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*British  
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CORRESPONDENCE RELATIVE TO THE  
AFFAIRS OF  
UPPER AND LOWER CANADA

1840

*Colonies  
Canada*

13



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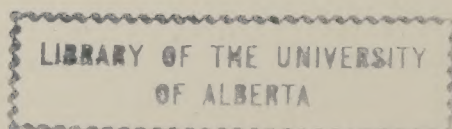
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ACCOUNTS AND PAPERS:

TWENTY-ONE VOLUMES.

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—(3.)—

COLONIES:

CANADA.

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Session

16 *January*—11 *August* 1840.

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VOL. XXXI.

1840.

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1840.

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C A N A D A.

# CORRESPONDENCE

RELATIVE TO THE

A F F A I R S   O F   C A N A D A.

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PART I.

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Presented to both Houses of Parliament by Command of Her Majesty.

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LONDON:

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD-STREET,  
FOR HER MAJESTY'S STATIONERY OFFICE.

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1840.





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1840



LOWER CANADA.

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From the Marquis of Normanby and Lord John Russell.

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## CANADA.

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COPIES and EXTRACTS of CORRESPONDENCE relative to the AFFAIRS of  
CANADA.

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From the Marquis of Normanby and Lord John Russell.

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(No. 6.)

No. 1.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 28th Feb. 1839.

I HAVE the honour to acknowledge the receipt of your despatches of the 22d January, Nos. 13, 14, and 15, reporting the proceedings of Courts-Martial on certain persons in Lower Canada, in custody on charges of treason and murder. In conformity with the course adopted by my predecessor, I have referred these proceedings for the consideration of the Judge Advocate General, but in the mean time I have to convey to you my approval of your decision to allow the law to take its course in the case of five of these individuals, four of whom had been implicated in the murder of Mr. Walker.

Sir John Colborne, G.C.B.  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

No. 1.  
Marquis of Normanby  
to Sir John Colborne.  
February 28, 1839.

(No. 12.)

No. 2.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 11th March, 1839.

I HAVE the honour to acknowledge the receipt of your despatch of the 31st January last, No. 24, reporting that you have requested the Executive Council to collect information on certain remedial measures, the immediate adoption of which you consider essential to the well-being of Lower Canada, with the view to the introduction of such changes as may be necessary, and as may be within the competency of the Governor and Special Council.

I have to convey to you my approval of the steps which you have taken, and I beg to assure you that any suggestions which, with the advice of the Executive Council, you may offer on the subjects to which you have adverted will receive from myself and my colleagues the most attentive consideration.

Sir John Colborne, G.C.B.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

No. 2.  
Marquis of Normanby  
to Sir John Colborne.  
March 11, 1839.

(No. 15.)

No. 3.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 22d March, 1839.

No. 3.  
Marquis of Normanby  
to Sir John Colborne.  
March 22, 1839.

I TRANSMIT herewith, for your information, the copy of a petition to the House of Commons from Messrs. Lafontaine and Mondelet, complaining of their arrest and imprisonment at Montreal in the month of November last. This petition was ordered by the House to be printed, but did not give rise to any discussion. Should you desire to offer any explanation respecting the statements contained in it, I shall of course be happy to receive them.

I have, &amp;c.

(Signed) NORMANBY.

Sir John Colborne, G.C.B.

&amp;c. &amp;c. &amp;c.

(No. 17.)

No. 4.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, March 27th, 1839.

No. 4.  
Marquis of Normanby  
to Sir John Colborne.  
27th March, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 19th February, No. 29, enclosing the proceedings of three courts-martial held on persons concerned in the late rebellion, and reporting that after the most ample and deliberate consideration you had authorized the execution of the sentence of death in the case of five of these persons.

I have to convey to you my approbation of the course which you adopted in this matter. I have also to express the high satisfaction with which my colleagues and myself have learned that in your opinion it will not be necessary for the public safety to carry into effect any further sentences of death in cases of high treason.

It is, I am convinced, no less gratifying to yourself than to Her Majesty's Government to be able to dispense with a mode of punishment which can never be resorted to without reluctance, and I feel confident that the lenity shown towards the great mass of the persons arrested for participation in the rebellion will have a beneficial effect in attaching the lower classes of the French Canadians to the Government of the country, and in disabusing their minds of the false opinions which had been inculcated by designing and ill-affected persons.

With respect to those persons who are now or may shortly be under sentence of transportation in Upper and Lower Canada, my predecessor's Despatch of the 18th January will have apprised you that Her Majesty's Government intended to take measures for their removal from Canada directly to the place of their destination. I have now to inform you that the necessary orders have been issued to the Lords Commissioners of the Admiralty to send to the St. Lawrence, as early as possible, a vessel capable of conveying not less than 200 convicts from Canada to Australia. This vessel will therefore be able to carry to their destination the persons sentenced to transportation in the Upper Province, as well as in Lower Canada.

I have, &amp;c.

(Signed) NORMANBY.

Sir John Colborne, G.C.B.,

&amp;c. &amp;c. &amp;c.



(No. 33.)

No. 5.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 15th May, 1839.

I HAVE the honour to acknowledge the receipt of your despatch of the 16th April, No. 58, enclosing the copy of a letter which you had received from Sir George Arthur, accompanied by a congratulatory address from the two branches of the legislature of Upper Canada, on your appointment to be Governor-General of British North America.

I have laid this despatch before The Queen, and Her Majesty has commanded me to express her satisfaction at the high esteem in which you are held in that important part of Her Majesty's dominions. Her Majesty feels that this testimony must be doubly gratifying to you as proceeding from the legislature of a province with which you were long intimately connected, and the inhabitants of which have consequently had ample opportunity of estimating your public services.

I have, &c.

Sir John Colborne, G.C.B.  
&c.      &c.      &c.

(Signed) NORMANBY.

No. 5.  
Marquis of Normanby  
to Sir John Colborne.  
May 15, 1839.

No. 6.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 12th June, 1839.

AS I am aware of your anxiety to be informed of the measures contemplated by her Majesty's Government for the settlement of the affairs of Canada, I avail myself of the opportunity afforded by the departure of the "Liverpool" steam-vessel, to communicate with you on the subject.

It had been the intention of Her Majesty's Government to introduce into Parliament the Bill, of which I enclose you a copy, and which, if agreed to, would have reunited the Provinces of Upper and Lower Canada, and would have made effectual provision for their future government. Late events, however, and especially the recent proceedings in the legislature of Upper Canada, of which intelligence was received on the 3d instant, have induced Her Majesty's ministers so far to modify this Bill as to defer for the present those provisions which relate to the reunion of the Provinces and their future government. Accordingly, the Bill will be divided into two parts; the first extending the authority of the Special Council of Lower Canada, and prolonging its existence to the year 1842; the second providing for the future reunion of the Canadian Provinces on the principles of a free and representative government. The first Bill only will be immediately pressed on the attention of Parliament, and will, I trust, meet with their concurrence. The second will be brought in, but will not be proceeded with during the present session, nor until the Legislative Council and Assembly of Upper Canada, and the Special Council of Lower Canada shall have had an opportunity of communicating to Her Majesty's Government their views respecting it.

I shall take an early opportunity of communicating with you further on this subject, and of apprizing you of the proceedings in the Imperial Parliament. My present communication is necessarily restricted to a mere indication of the intentions of Her Majesty's Government; but I could not allow this opportunity to pass without apprizing you of them.

I have, &c.

Sir John Colborne, G.C.B.  
&c.      &c.      &c.

(Signed) NORMANBY.

No. 6.  
Marquis of Normanby  
to Sir John Colborne.  
June 12, 1839.

(No. 47.)

No. 7.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 18th June, 1839.

No. 7.  
Marquis of Normanby  
to Sir John Colborne.  
June 18, 1839.

I HAVE had the honour to receive your despatch of the 6th May, No. 67, vindicating yourself and the civil and military officers of your Government from the charges preferred by Messrs. Lafontaine and Mondelet in their petition to the House of Commons.

I am happy to inform you that this despatch, and the documents which it contains, fulfil the confident expectation entertained by me, that you had in your possession the means of completely refuting the injurious accusations brought by the petitioners against the local authorities. I have read that refutation with a deep sense of the difficulties with which you have had to contend, as well as of the energy, prudence, and moderation with which they have been encountered.

I have, &amp;c.

Sir John Colborne, G.C.B.

(Signed) NORMANBY.

&amp;c. &amp;c. &amp;c.

(No. 52.)

No. 8.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing-street, 2nd July, 1839.

No. 8.  
Marquis of Normanby  
to Sir John Colborne.  
July 2, 1839.

I HAVE received your despatch, No. 55, of the 13th April last, transmitting various ordinances which have been passed by yourself and the special council of Lower Canada.

I have found it necessary to refer several of them to the Lords of the Treasury, the Lords of the Committee of Privy Council for Trade, the Master-General and Board of Ordnance, the Secretary at War, and the Law officers of the Crown, for reports, which must precede the confirmation of those ordinances by Her Majesty in Council. Until those reports are received, it will not be practicable to take the Queen's decision on the subject. The delay, however, is the less inconvenient, as all the ordinances, with the exception of that which relates to the seignory of Montreal, and of those for naturalising A. Rambau and H. Valotte, will have come into immediate operation.

I postpone expressing an opinion on the provisions of the ordinance relating to the seignory of Montreal, until I shall have had before me the report of the late officers of the Crown; but, if the Bill which has been introduced into Parliament for amending the Act 1 Vict. cap. 9, shall pass into a law, it will be in the power of yourself and the special council to legislate permanently on the subject.

I beg to call your particular attention to the importance of inserting, for the future, in the printed copies of the ordinances of your Government, marginal abbreviations in the usual form. The absence of them considerably enhances the difficulty of perusing enactments of that description, and of referring to any particular passages.

I have, &amp;c.

Sir. John Colborne. G.C.B.

(Signed) NORMANBY.

&amp;c. &amp;c. &amp;c.

(No. 55.)

No. 9.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General  
Sir JOHN COLBORNE, G.C.B.

SIR,

Downing Street, 5th July, 1839.

No. 9.  
Marquis of Normanby  
to Sir John Colborne.  
July 5th, 1839.

WITH reference to my despatch of the 12th ultimo, I have the honour to transmit herewith for your information copies of two Bills introduced into Parliament on the subject of Canada. The Bill to amend the Act 1 Vic. cap. 9, was last night read a second time in the House of Commons, and will go into Committee on Thursday next.



The Bill for reuniting the provinces of Upper and Lower Canada, although introduced into the House, will not be pressed during the present session to a second reading. Her Majesty's Government have decided on adopting this course, in deference to what appears to be the general sentiment of the people of Upper Canada, and in compliance with Sir George Arthur's recommendation that no unnecessary discussion should at the present moment be taken on the question of union; this Bill, therefore, will stand over until the next session of Parliament, and in the mean time Her Majesty's Government will have an opportunity of ascertaining the views of the people of Canada on the proposed measure. I shall communicate further with you on this subject, when the Bill for amending the 1 Vic. cap. 9, shall have been advanced through its remaining stages.

No. 9.  
Marquis of Normanby  
to Sir John Colborne.  
July 5th, 1839.

I have, &c.

Sir John Colborne, G.C.B. (Signed) NORMANBY.  
&c. &c. &c.

(No. 69.)

No. 10.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR, Downing-street, 31st August, 1839.

WITH reference to your despatches of the 6th and 20th May, Nos. 67 and 75, I have the honour to inform you that representations have been addressed to Her Majesty's Government, to the effect that M. Viger and others, at present in custody in Lower Canada, are treated with unnecessary severity, and subjected to unusual and needless restraint. I am well assured that these representations are unfounded, and that no proceedings have been adopted by your authority against these individuals beyond what are indispensable for the public safety; but I would request you to furnish me with a report on the subject, in order that, in the event of its being again brought forward, I may have it in my power to afford the most ample explanation respecting it.

No. 10.  
Marquis of Normanby  
to Sir John Colborne.  
August 31, 1839.

I have, &c.

Sir John Colborne, G.C.B. (Signed) NORMANBY.  
&c. &c. &c.

No. 11.

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieutenant-General Sir JOHN COLBORNE, G.C.B.

SIR, Downing-street, 30th Nov. 1839.

I HAVE had the honour to receive your letter of the 20th instant, containing copies of various Addresses which had been presented to you at Montreal, and Quebec, previously to your departure for this country.

It has afforded Her Majesty's Government the greatest satisfaction to receive so conclusive a proof as is afforded by these Addresses, that the high estimate which the Queen had been graciously pleased to form, and to express of the eminent services rendered by you to Her Majesty, and to the country at large, in Lower Canada, is so fully confirmed by the spontaneous suffrages of so many of those whose local observation and knowledge best qualified them to appreciate at once the difficulty and the value of those services: and I am happy in the opportunity of depositing amongst the records of this department a series of testimonials so honourable to your personal and public character.

No. 11.  
Lord John Russell to  
Sir John Colborne.  
30th Nov. 1839.

I have, &c.

Sir John Colborne, G.C.B. (Signed) JOHN RUSSELL.  
&c. &c. &c.

(No. 1.)

No. 12.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR, Downing-street, 7th September, 1839.

THE Queen having been pleased to confide to you the government of the

No. 12.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
September 7, 1839.

No. 12.  
 Lord John Russell  
 to the Right Hon C.  
 Poulett Thomson  
 September 7, 1839.

British provinces in North America, I now transmit to you the various Commissions under the Great Seal, which authorize you to assume and execute that office. The intimate knowledge which, as one of Her Majesty's confidential advisers, you have acquired, of the progress of Canadian affairs during the last few years, and of the views of Her Majesty's Government on that subject, relieves me from the necessity of entering on various explanations, which it would otherwise have been my duty to afford you. But it is fit that I should on the present occasion record for your guidance the intentions of the Ministers of the Crown on the principal topics of Canadian policy, on which you will be called, as the governor of those provinces, to co-operate with them.

The Bill introduced into the House of Commons during the present session of Parliament, embodied, as you are aware, the results of deliberate reflection on the various suggestions contained in the reports of the Earl of Durham. The hope of passing that measure into a law before the Parliamentary recess was defeated by various circumstances which occurred, and especially by the intelligence which, in the commencement of the month of June, reached us from the Lieutenant-Governor of Upper Canada, of the state of public opinion in that colony, as expressed by the resolutions of the Council and Assembly. We have never concealed from ourselves that the success of any plan for the settlement of Canadian affairs must depend on the concurrence and support of the provinces themselves. To learn their deliberate wishes, and to obtain their co-operation by frank and unreserved personal intercourse, will therefore be the first and most important of the duties which you will be called upon to perform.

In our anxiety thus to consult, and as far as may be possible, to defer to public opinion in the Canadas on the subject of constitutional changes, Her Majesty's Government must be understood as entertaining a very strong conviction in favour of the policy of the measure which they have proposed for the adoption of Parliament. Attaching minor importance to the subordinate details of that Bill, we have found no sufficient reason for distrusting the principles on which it proceeds. These are—a legislative Union of the two provinces—a just regard to the claims of either province in adjusting the terms of that Union—the maintenance of the three estates of the provincial legislature—the settlement of a permanent civil list for securing the independence of the judges, and to the executive government that freedom of action which is necessary for the public good—and the establishment of a system of local government by representative bodies, freely elected in the various cities and rural districts. From any of these principles Her Majesty's Government would be most reluctant to recede. After a full investigation of every other plan which has been suggested they have not been able to discover in any but this, the reasonable hope of a satisfactory settlement. It will, therefore, be your first duty to endeavour to obtain for that measure, such an assent in its general principles, and such a correction of its details, as may render it acceptable to the provinces, and productive of permanent advantage. There are various modes by which this object may be accomplished, and in giving an outline of them, Her Majesty has commanded me to express to you her reliance upon your judgment, to be formed upon the spot, as to the employment of such as may be most conducive to the contentment and advantage of Her Canadian subjects.

1. You may appoint, by authority of the executive, a certain number of persons of weight and experience, selected from each province, to frame articles of Union, to be afterwards proposed to the legislature of Upper Canada.

2. You may assemble the legislature of Upper Canada, and propose to them the appointment of a certain number of Commissioners, to confer with others named by the special council of Lower Canada.

3. If you find that your overtures to the assembly of Upper Canada are not met in a fair, conciliatory, and reasonable spirit, you may proceed to dissolve the present assembly, and appeal to the sense of the inhabitants of the province. But in the late unsettled state of the province, in the presence of repressed disaffection, with the necessity of a second dissolution before the assembly of the united province can meet—this step must not be resorted to, without the gravest deliberation.

In whatever method you may proceed, Her Majesty's Government will expect to receive from you, founded on competent authority, such a plan of representation, with a division into cities and districts, as may enable them to lay the scheme before Parliament with confidence in the data on which it has been formed, and in the justice of the general arrangement.

I will not now argue on a further supposition, viz., that from difficulty of detail,



or mutual disinclination, the plan of Union may be found altogether impracticable. Should you find, after all your efforts, that such is the result, you will lose no time in communicating to me, for Her Majesty's information, the grounds of your opinion, and the nature of any alternative which may seem to you more conducive to the general good.

But above all things, it is important to avoid unnecessary delay. The discussion, which has already been protracted at the expense of so much evil, and still greater hazard to the interests of the Canadian provinces, and of this kingdom, cannot be too speedily brought to a close. Her Majesty's Government will, therefore, anxiously await the result of your inquiries as to the state of public opinion in the Canadas respecting the proposed Union, and the terms on which, in your opinion, it should be effected: I earnestly trust that it may be received in this country by a period sufficiently early to enable us to communicate it to Parliament at the commencement, or soon after the commencement of the session of 1840, and then to proceed at once with such measures as may be required to meet the exigencies of the case.

The intelligence which has reached me from Upper Canada, makes it probable that you may be called upon for some explanation of the views of the Ministers of the Crown, on a question respecting which the Bill to which I have referred is necessarily silent. I allude to the nature and extent of the control which the popular branch of the united legislature will be admitted to exercise over the conduct of the executive government, and the continuance in the public service of its principal officers. But it is evidently impossible to reduce into the form of a positive enactment a constitutional principle of this nature. The importance of maintaining the utmost possible harmony between the policy of the legislature and of the executive government admits of no question, and it will of course be your anxious endeavour to call to your counsels and to employ in the public service those persons who, by their position and character, have obtained the general confidence and esteem of the inhabitants of the province.

The military defence of the Canadas is another subject of common interest to both provinces, on which it is necessary that you should be apprized of the views of Her Majesty's Government. In the correspondence between Lord Glenelg and Sir John Colborne, and especially in the despatches of the latter, you will find a full discussion of the plans which have been devised for that purpose. Amongst them is a scheme for extended fortifications, to be erected and maintained at an expense, which it is not evident will be compensated by any equivalent advantage. For the present, at least, notwithstanding the deference so justly due to the opinions of that distinguished Officer, the Ministers of the Crown cannot recommend the adoption of this scheme. On the other hand, the plan suggested from this country and sanctioned by Sir John Colborne, of creating military settlements on the frontier, on the principle of veteran battalions, appears to the Ministers of the Crown as at once the most effective and the most economical plan of defence which could be pursued. Measures will be taken, with the least possible delay, for carrying it into effect; and in the mean time you will discourage and prevent, as far as may be compatible with the public safety, either the augmentation, or the continuance on foot of the volunteers, or the sedentary corps, which were embodied during the last winter as a reinforcement to the regular army. On all subjects of this nature, however, you will consult Sir Richard Jackson, whose judgment and military knowledge, will be of the greatest service to you.

The only topic which it remains to notice, as affecting the two Canadian provinces alike, is that of raising an emigration fund from the proceeds of the sales of the Crown lands. Unfortunately, the very elaborate report communicated to me by Lord Durham on this subject, serves but to confirm, and to place in a still clearer light, the difficulties by which, as we were previously aware, the promotion of this most important object is obstructed. Such is the extent of land alienated, and so inconsiderable the proportion which still remains vested in the Crown, that the hope of rendering any effectual aid to emigration by the sale of such lands, cannot at present be reasonably entertained. The necessary preliminary to the introduction of any such system, would be the resumption of the large tracts of land held by grantees in a barren and unprofitable state. This could be effected only by the imposition of a tax on uncleared land, and by enactments for the collection of that tax, to insure the due execution of the law. In the Lower Province there exists, at the present time, no authority by which such a tax could be imposed. In the Upper Province it is hardly to be expected that, in the present state of affairs,

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the difficulties which encompass the subject will be effectually overcome. Amongst the benefits to be anticipated from the union of the provinces, it is not the least important that the united legislature would be able to act upon subjects of this nature with a great comparative freedom from the undue bias of local interests, and with a large view to the permanent improvement of the provinces.

Such being the principal subjects of common interest to the two provinces, to which your attention will be immediately called, I have next to notice those which will relate exclusively to the province of Lower Canada.

The Act which has been passed in the last session of Parliament, in amendment of the Act of the first year of Her Majesty's reign, providing for the temporary administration of the government of Lower Canada, will relieve you and the Special Council from many of the impediments by which your immediate predecessor has been encountered in the attempt to promote the internal interests of the province. Sir John Colborne's despatches, and especially that of the 15th of March, 1839, have pointed out very clearly many objects of great public utility, which he was unable to advance, in consequence of the restrictions under which the legislative powers confided to him and to the Special Council were exercised. To these your attention will of course be given. Much as the suspension of constitutional government in Lower Canada is to be regretted, it will not be without a very considerable compensation, if, during the interval, arrangements should be maturely and wisely made for securing to the people at large the benefit of those social institutions from which, in former times, the thoughts of the local legislature were diverted, by the controversies which then agitated the provincial society.

The establishment of Municipal Institutions for the management of all local affairs, will be among the most important of the subjects to which your attention will be called. On this subject I would refer you to the report of the Earl of Durham, and the Appendix marked C., by which it is accompanied. Although the commissioners whom his Lordship appointed to investigate the question were unable, from the shortness of the time, to submit to him any conclusive recommendations respecting it, the information which they collected will prove of much advantage to you. On the importance of such institutions I need not enlarge. Your acquaintance with the system of municipal government in this country, will point out to you that there is no mode in which local affairs can be so properly administered, and that they form, at the same time, the most appropriate and effectual means of training the great body of the people to the higher branches of legislation.

The promotion of education among all classes of the people will also engage your earnest attention. On this subject I can add nothing to the information afforded by the reports of the Earl of Gosford, and his colleagues, and of the Earl of Durham. It will afford Her Majesty's Government the most sincere satisfaction to co-operate with you in any measures which you may adopt for the furtherance of this important object.

In any view which can now be taken of the affairs of British North America, it is obvious that those of Upper Canada must occupy a very prominent place. I am persuaded that the zeal for the public good, and the superiority to considerations of a nature merely personal, by which the present Lieutenant-Governor has been distinguished during his long career of public service, will obviate the risk of any dissatisfaction being entertained by him, if you should find it necessary, for a time, to assume in person the administration of the government of Upper Canada, and during that period, to supersede him in the discharge of his functions. In the prosecution, therefore, of your endeavour to obtain as much agreement as possible in the plan to be hereafter submitted to the Imperial Parliament, you will not hesitate to repair to Toronto. When there, you would of course avail yourself of the experience which Sir George Arthur has acquired, and of the assistance which he will have both the ability and the disposition to afford you.

The first topic which will engage your attention in Upper Canada is the present financial state of the province. This has been most elaborately explained in the Lieutenant-Governor's recent despatches. Embarrassing as the immediate state of the question is, it is yet gratifying to learn from those communications, that the difficulties in which the provincial treasury is involved, originate in causes which do not affect the wealth or the ultimate resources of the province. Having undertaken great internal improvements, especially those of the Welland and Rideau canals, with inadequate resources, the works have been very imperfectly completed, and the returns are absorbed in a succession of repairs, which would not have been



required if the canals had been originally formed with a greater command of capital. These works having also been effected by borrowed money, the loans have been raised at a higher rate of interest than would have been required if the credit of the province had not been diminished by the absorption of its revenue in such undertakings. Further, it appears that the provincial treasury might have been recruited with no perceptible addition to the public burdens, if it had been possible to increase, to a moderate extent, the duties of import on goods introduced for consumption. But, under the combined influence of these causes, the expenditure has at length far exceeded the receipt; and some measures for reinstating the provincial treasury in a secure condition have become indispensable.

Her Majesty's Government willingly acknowledge the great advantage which will arise from extending to Upper Canada such aid as the revenue of Great Britain could afford, consistently with a due regard to the interest of this kingdom, and of the other members of the empire at large. This is, however, a subject for distinct consideration. For the present I shall confine my attention to the remedial measures adopted by the local legislature in their last session.

Of these, the first was the raising a loan by Government debentures, which was sanctioned by a Bill, entitled "An Act to afford further facilities to negotiate debentures for the completion of certain works."

This Bill was reserved for the signification of Her Majesty's pleasure, and has been confirmed by the Queen in Council.

The second financial measure of the year was the enactment of a Bill, authorizing the issue of treasury notes to the amount of 250,000*l.* sterling, for 1*l.* each. This Bill has also been reserved for the signification of Her Majesty's pleasure. I regret to state that Her Majesty cannot be advised to confirm it. The issue of such an amount of small inconvertible paper money, as a resource for sustaining the public credit, is not to be justified even by the present exigency of public affairs. The effect of the measure on the currency and monetary transactions of Upper Canada, and on the value of private property throughout the province, must be such as to counterbalance any advantage which could be obtained from this temporary relief. If the credit of the country can be made available to sustain for a time the transactions of the local treasury in a less hazardous and objectionable form, you will accede to any plan of that nature. It is only as a temporary expedient that any such resource will be requisite; and it is of great importance to the future welfare of the province, that the scheme devised to meet the pressure of the passing day should not be such as to preclude the early return to a more salutary course of financial operations.

A third measure of the same general character has been adopted by the local legislature, to provide for the indemnity of the sufferers by hostile incursions from the United States. The Bill for this purpose, entitled "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this province," has also been reserved for the signification of Her Majesty's pleasure. I fear that Her Majesty's assent to this Bill, in its present form, cannot be given. The objection is not to the measure itself, in the propriety of which Her Majesty's Government entirely concur; but we think it impossible to advise The Queen to assent to an Act, which, if so sanctioned, would, by the terms of the preamble, convey a pledge from Her Majesty that the charge of this indemnity should be ultimately borne by the British treasury. The principle involved in this declaration is of too much importance to be thus incidentally recognised, even supposing it to be right that it should be admitted at all. Neither could Her Majesty properly affirm, in so solemn a manner, her acquiescence in this claim on the revenue of this country, unless it had been previously sanctioned by Parliament,—a sanction which has not been, and which could not hitherto have been, obtained. If a similar Bill should be passed, with the omission of the preamble, you will readily concur in the enactment of it.

The Legislature of Upper Canada have also passed a Bill, which has in like manner been reserved, for settling a civil list on Her Majesty in exchange for the Crown revenues of the province. It is with sincere regret that I am compelled to announce that this is also a measure from which, in its present form, the assent of the Crown must be withheld. The effect of it is to exclude from the protection of the grant the clergy, who at present derive their maintenance from the Crown revenue, and of whom the great majority have resorted to Upper Canada on the assurance that their stipends would be thus secured to them. Now as this charge has been lawfully fixed upon the Crown revenue, and as the Crown has no other

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resource from which it could be paid, it is impossible to accept the proposed civil list on such terms. Anxious as Her Majesty's Government are to defer to the representatives of the people of Upper Canada in all matters connected with the internal government of that province, they cannot consent to a measure which would practically involve a violation of the pledged faith of the Crown. We cannot decline the obligation of maintaining the rights of the clergy in question; and I can only express my hope that the local legislature may concur with the Ministers of the Crown as to the propriety of re-enacting this Bill, with the addition of the charge necessary for the maintenance of those rights. The burthen will cease with the lives of the present incumbents, and is now in the course of a progressive diminution.

The last of the reserved Bills of the late Session has reference to the long controverted subject of the clergy reserves. To this Bill the Royal assent could not have lawfully been given, until it had been laid for 30 days before either House of Parliament. It was not until the 15th August that I received from the Lieutenant-Governor the document necessary to enable me to fulfil the requisition of the Constitutional Act of 1791. It was, therefore, impossible that the Bill should be finally enacted by the Queen in Council until after the commencement of the Parliamentary Session of 1840. But had this difficulty not arisen, there were other motives which would have effectually prevented the acceptance of this measure by Her Majesty. Parliament delegated to the local legislature the right of appropriating the clergy reserves, and the effect of the Bill is to retransfer this duty from the local legislature to Parliament, with a particular restriction. I am advised by the law officers of the Crown that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office, and if it should not be so accepted the confirmation of the Bill would be productive of serious prejudice, and of no substantial advantage. It would postpone indefinitely the settlement of a question which it much concerns the welfare of the provinces to bring to a close; besides I cannot admit that there exist in this country greater facilities than in Upper Canada for the adjustment of this controversy; on the contrary, the provincial legislature will bring to the decision of it an extent of accurate information as to the wants and general opinions of society in that country, in which Parliament is unavoidably deficient. For all these reasons Her Majesty will decline to give her assent to this Bill.

I have thus adverted to the principal topics which will engage your attention as Governor-General of British North America, in reference to the two Canadas, omitting many minor questions which will form the subject of future correspondence, and passing by for the present all that relates to the affairs of New Brunswick, Nova Scotia, and Prince Edward Island. I reserve these for consideration hereafter.

Finally, I am commanded to direct that in all the provinces of British North America you will inculcate upon the minds of The Queen's subjects Her Majesty's fixed determination to maintain the connexion now subsisting between them and the United Kingdom, and to exercise the high authority with which She has been invested by the favour of Divine Providence, for the promotion of their happiness and the security of her dominions.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(No. 3.)

No. 13.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
POULETT THOMSON.

SIR,

Downing Street, 10th Sept. 1839.

I HAVE the honour to transmit herewith for your information a copy of a despatch from Lieutenant-General Sir John Colborne, containing his suggestions in regard to the proposed Bill for the union of the Canadas.

I have, &c.

(Signed) J. RUSSELL.

No. 13.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
September 10, 1839.  
Aug., 19, 1839,  
No. 107.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(No. 16.)

No. 14.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 2d Oct. 1839.

I TRANSMIT herewith for your information a copy of a despatch, which I have received from the Lieutenant-Governor of Upper Canada, relating to the affairs of that province; together with a copy of the answer which I have returned to that communication.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 14.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 2, 1839.  
Sir G. Arthur's De-  
spatch.  
August 27, 1839,  
No. 179.

Vide Upper Canada  
Correspondence,  
" Political."

(No. 18.)

No. 15.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 10th Oct. 1839.

I HAVE to acknowledge the receipt of Sir John Colborne's despatch, No. 111, of the 10th ultimo.

In reply, I have to express to you the satisfaction with which Her Majesty's Government have received the intelligence therein contained, that martial law has ceased to exist in every part of Lower Canada, the state of the province having enabled Sir John Colborne to revoke the proclamation of martial law which had been in operation in the district of Montreal since November last.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 15.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 10, 1839.

(No. 19.)

No. 16.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 14th Oct. 1839.

It appears from Sir George Arthur's despatches that you may encounter much difficulty in subduing the excitement which prevails on the question of what is called " Responsible Government." I have to instruct you, however, to refuse any explanation which may be construed to imply an acquiescence in the petitions and addresses upon this subject. I cannot better commence this despatch than by a reference to the resolutions of both houses of Parliament, of the 28th April and 9th May, in the year 1837.

The Assembly of Lower Canada having repeatedly pressed this point, Her Majesty's confidential advisers at that period thought it necessary not only to explain their views in the communications of the Secretary of State, but expressly called for the opinion of Parliament on the subject. The Crown and the two houses of Lords and Commons having thus decisively pronounced a judgment upon the question, you will consider yourself precluded from entertaining any proposition on the subject.

It does not appear, indeed, that any very definite meaning is generally agreed upon by those who call themselves the advocates of this principle; but its very vagueness is a source of delusion, and if at all encouraged, would prove the cause of embarrassment and danger.

The constitution of England, after long struggles and alternate success, has settled into a form of government in which the prerogative of the Crown is undisputed, but is never exercised without advice. Hence the exercise only is questioned, and however the use of the authority may be condemned, the authority itself remains untouched.

This is the practical solution of a great problem, the result of a contest which from 1640 to 1690 shook the monarchy, and disturbed the peace of the country.

No. 16.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 14, 1839.



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 Lord John Russell  
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 October 14, 1839.

But if we seek to apply such a practice to a colony, we shall at once find ourselves at fault. The power for which a minister is responsible in England, is not his own power, but the power of the Crown, of which he is for the time the organ. It is obvious that the executive councillor of a colony is in a situation totally different. The Governor, under whom he serves, receives his orders from the Crown of England. But can the colonial council be the advisers of the Crown of England? Evidently not, for the Crown has other advisers, for the same functions, and with superior authority.

It may happen, therefore, that the Governor receives at one and the same time instructions from the Queen, and advice from his executive council, totally at variance with each other. If he is to obey his instructions from England, the parallel of constitutional responsibility entirely fails; if, on the other hand, he is to follow the advice of his council, he is no longer a subordinate officer, but an independent sovereign.

There are some cases in which the force of these objections is so manifest, that those who at first made no distinction between the constitution of the United Kingdom, and that of the colonies, admit their strength. I allude to the questions of foreign war, and international relations, whether of trade or diplomacy. It is now said that internal government is alone intended.

But there are some cases of internal government, in which the honour of the Crown or the faith of Parliament, or the safety of the state, are so seriously involved, that it would not be possible for Her Majesty to delegate her authority to a ministry in a colony.

I will put for illustration some of the cases which have occurred in that very province where the petition for a responsible executive first arose—I mean Lower Canada.

During the time when a large majority of the assembly of Lower Canada, followed M. Papineau as their leader, it was obviously the aim of that gentleman to discourage all who did their duty to the Crown within the province, and to deter all who should resort to Canada with British habits and feelings from without. I need not say that it would have been impossible for any minister to support, in the Parliament of the United Kingdom, the measures which a ministry, headed by M. Papineau, would have imposed upon the Governor of Lower Canada;—British officers punished for doing their duty; British emigrants defrauded of their property; British merchants discouraged in their lawful pursuits,—would have loudly appealed to Parliament against the Canadian ministry, and would have demanded protection.

Let us suppose the Assembly as then constituted, to have been sitting when Sir John Colborne suspended two of the judges. Would any councillor, possessing the confidence of the Assembly, have made himself responsible for such an act? And yet the very safety of the province depended on its adoption. Nay, the very orders of which your Excellency is yourself the bearer, respecting Messrs. Bedard and Panet, would never be adopted, or put in execution by a ministry depending for existence on a majority led by M. Papineau.

Nor can any one take upon himself to say that such cases will not again occur. The principle once sanctioned, no one can say how soon its application might be dangerous, or even dishonourable, while all will agree that to recall the power thus conceded would be impossible.

While I thus see insuperable objections to the adoption of the principle as it has been stated, I see little or none to the practical views of colonial government recommended by Lord Durham, as I understand them. The Queen's Government have no desire to thwart the representative assemblies of British North America in their measures of reform and improvement. They have no wish to make those provinces the resource for patronage at home. They are earnestly intent on giving to the talent and character of leading persons in the colonies, advantages similar to those which talent and character, employed in the public service, obtain, in the United Kingdom. Her Majesty has no desire to maintain any system of policy among her North American subjects which opinion condemns. In receiving the Queen's commands, therefore, to protest against any declaration at variance with the honour of the Crown, and the unity of the empire, am at the same time instructed to announce Her Majesty's gracious intention to look to the affectionate attachment of her people in North America, as the security for permanent dominion.



It is necessary for this purpose that no official misconduct should be screened by Her Majesty's representative in the provinces; and that no private interests should be allowed to compete with the general good.

Your Excellency is fully in possession of the principles which have guided Her Majesty's advisers on this subject; and you must be aware that there is no surer way of earning the approbation of The Queen, than by maintaining the harmony of the executive with the legislative authorities.

While I have thus cautioned you against any declaration from which dangerous consequences might hereafter flow, and instructed you as to the general line of your conduct, it may be said that I have not drawn any specific line beyond which the power of the Governor on the one hand, and the privileges of the Assembly on the other, ought not to extend. But this must be the case in any mixed government. Every political constitution in which different bodies share the supreme power, is only enabled to exist by the forbearance of those among whom this power is distributed. In this respect the example of England may well be imitated. The sovereign using the prerogative of the Crown to the utmost extent, and the House of Commons exerting its power of the purse, to carry all its resolutions into immediate effect, would produce confusion in the country in less than a twelvemonth. So in a colony: the Governor thwarting every legitimate proposition of the Assembly; and the Assembly continually recurring to its power of refusing supplies, can but disturb all political relations, embarrass trade, and retard the prosperity of the people. Each must exercise a wise moderation. The Governor must only oppose the wishes of the Assembly where the honour of the Crown, or the interests of the empire are deeply concerned; and the Assembly must be ready to modify some of its measures for the sake of harmony, and from a reverent attachment to the authority of Great Britain.

I have, &c.,

(Signed)

J. RUSSELL.

The Right Hon. C. Poulett Thomson,

&c.

&c.

&c.

(No. 20.)

No. 17.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

Sir,

Downing Street, 16th October, 1839.

I AM desirous of directing your attention to the tenure, on which public offices in the gift of the Crown, appear to be held throughout the British Colonies. I find that the governor himself and every person serving under him are appointed during the royal pleasure, but with this important difference. The Governor's commission is, in fact, revoked whenever the interests of the public service are supposed to require such a change in the administration of local affairs. But the commissions of all other public officers are very rarely indeed recalled, except for positive misconduct. I cannot learn that during the present or the two last reigns, a single instance has occurred of a change in the subordinate colonial officers, except in cases of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life, originated probably in the practice, which formerly prevailed of selecting all the higher class of colonial functionaries from persons who, at the time of their appointment, were resident in this country; and, amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least considerable, that, except on those terms, they were unwilling to incur the risk and expense of transferring their residence to remote, and often to unhealthy climates. But the habit which has obtained of late years of preferring, as far as possible, for places of trust in the colonies, persons resident there, has taken away the strongest motive which could thus be alleged in favour of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the province of Lower Canada.

No. 16.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 17, 1839.

No. 17.  
Lord J. Russell to  
the Right Hon. C.  
Poulett Thomson.  
October 16, 1839.

No. 17.  
 Lord J. Russell to  
 the Right Hon. C.  
 Poulett Thomson.  
 October 16, 1839.

You will understand, and will cause it to be made generally known, that hereafter the tenure of colonial offices held during Her Majesty's pleasure, will not be regarded as equivalent to a tenure during good behaviour; but that not only such officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure, but that a change in the person of the governor will be considered as a sufficient reason for any alterations which his successor may deem it expedient to make in the list of public functionaries, subject of course to the future confirmation of the sovereign.

These remarks do not extend to judicial offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties, in the right discharge of which the character and policy of the government are directly involved. They are intended to apply rather to the heads of departments than to persons serving as clerks or in similar capacities under them. Neither do they extend to officers in the service of the Lords Commissioners of the Treasury. The functionaries who will be chiefly, though not exclusively, affected by them, are the Colonial Secretary, the Treasurer, or Receiver-general, the Surveyor-General, the Attorney and Solicitor-General, the Sheriff or Provost Marshal, and other officers, who, under different designations from these, are entrusted with the same or similar duties. To this list must also be added the members of the council, especially in those colonies in which the Legislative and Executive Councils are distinct bodies.

The application of these rules to officers to be hereafter appointed will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing officers, and especially of those who may have left this country for the express purpose of accepting the offices they at present fill. Every reasonable indulgence must be shown for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice, as well as in theory, as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such officers for their disappointment, even by pecuniary grants, when it may appear unjust to dispense with their services, without such an indemnity.

I have, &c.

(Signed.) J. RUSSELL.

(No. 22.)

No. 18.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
 POULETT THOMSON.

SIR,

Downing-street, 18th October, 1839.

I am anxious to bring under your notice the enclosed communication which I have received from Sir George Arthur, in which he reports the success which has attended the measures adopted by Colonel Wyndham, for providing for a large body of emigrants, whom he has lately sent out to Upper Canada, from his estates in Clare and Limerick.

The prosperous condition in which these persons have been placed by the well directed generosity of Colonel Wyndham, will probably induce many other landlords, especially in Ireland, to imitate his example. With a view to encourage similar undertakings, I have instructed the emigration agent-general, to give publicity to the statement received respecting Colonel Wyndham's emigrants, and to lend every assistance in furtherance of similar experiments. Beyond this, I fear that it is not in the power of the Government to extend their co-operation, from the want of funds; but fully concurring in the opinion expressed by Sir George Arthur, as to the importance of encouraging colonization from this country to the Canadas, I am unwilling to neglect any means by which it may be promoted. The local Legislature may do much to forward this object, by affording the pecuniary assistance which might be required for organizing and working a scheme for the location in the province of settlers from the mother country. The knowledge that provision was made for their reception on their arrival, and for their being allocated where their labour might be at once profitably employed,

No. 18.  
 Lord John Russell  
 to the Right Hon. C.  
 Poulett Thomson.  
 October 18, 1839.  
 September 18, 1839,  
 No. 187.

Vide Upper Canada  
 Correspondence,  
 "Financial."



would encourage landlords to incur the preliminary expenses of outfit and passage, who might be disinclined to make themselves responsible for the additional expense of the emigrants, until they could be so disposed of as to provide for their own subsistence. In the case of Colonel Wyndham's emigrants, that object was accomplished with facility and expedition; but such a result could not always be expected, and it would be an important object, if some arrangement could be made for confining the responsibility and charge of the landlord within the bounds which I have stated. As regards the details of any such scheme, the extent of the aid which would be required from the local Legislature to carry it into effect, and the nature of the proposal which it would be proper to submit to them, you will be best able to form an opinion when you shall have considered the subject on the spot. I shall therefore confine myself to these few observations, which will be sufficient to explain to you the nature of the measure, which it appears to me might be beneficially adopted; and I shall be glad if you will direct your attention to the subject, and report to me your opinion upon it.

I have, &c.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 18.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 18, 1839.

(No. 26.)

No. 19.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 26th October, 1839.

I have to acknowledge the receipt of Sir John Colborne's despatch, No. 118, of 27th September, inclosing two lists of prisoners convicted in Lower Canada of high treason, who have either had their sentences commuted for transportation for life, or have received conditional pardons.

The list of the former class of convicts consists of 58, who are stated by Sir John Colborne, to have been on the point of sailing for Australia from Quebec, in Her Majesty's ship Buffalo.

I have not been furnished with copies of the legal records applying to these cases, but I presume that the proper documents are on board the Buffalo, and that they have been prepared with that care, and under that legal advice, which will prevent any difficulty when the convicts shall arrive at their destination.

The list of prisoners who have received a conditional pardon, consists of 29, two who are named having been pardoned on the condition that they should leave the province for ever, and the remaining 27 having been recommended to the Governor's favourable consideration.

It only remains that I should convey to you the Queen's approval of the exercise of her prerogative of mercy in these cases.

I have, &c.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 19.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 26, 1839.

(No. 27.)

No. 20.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 27th October, 1839.

I have to acknowledge the receipt of Sir John Colborne's despatch (No. 117) of the 27th ult., reporting that he had authorized the continuance of the services of the detached companies of embodied Canadian militia on the St. Lawrence, and on the Niagara frontier, for a further period of six months.

I have, in reply, to convey to you my approval of this measure.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 20.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 27, 1839.



(No. 28.)

No. 21.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 28th October, 1839.

No. 21.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 28, 1839.

In the Marquis of Normanby's despatch of the 2nd of July (No. 52), his Lordship apprised Sir John Colborne of the receipt at this office of sixty-seven ordinances, passed by the Governor and Special Council of Lower Canada in the months of February, March, and April of the present year. Lord Normanby further explained the necessity of postponing the intimation of Her Majesty's pleasure on this series of enactments until his Lordship should be able to lay before Her Majesty the result of the references made upon them to various other departments of the Government; observing, at the same time, that as all these ordinances had, with one exception, gone into immediate operation, the delay would be attended with no practical inconvenience.

I regret to state that some of the departments of the Government to whom references of this nature have been made, have not yet been able to complete their inquiries on the subject, so that even now it is not in my power to convey to you any instructions embracing the whole of this series of enactments. But having, on the 25th inst., received the answer of the Lords Commissioners of the Treasury to the reference made by Lord Normanby to their lordships, I will no longer postpone apprising you, as far as it is in my power, of the course which will be taken on each of the sixty-seven ordinances transmitted with your predecessor's despatches of the 13th of April last (No. 55.)

I subjoin a schedule, marked A, which comprises a list of the whole of this series, in which each ordinance is distinguished by the number it bears in the records of this office, from 48 to 114, both inclusive.

I further subjoin a schedule, marked B, in which are enumerated such of the sixty-seven ordinances as have appeared to Her Majesty's Government to be open to no objection; and which it is therefore proposed to leave to their operation. But it is necessary to qualify this statement by one general remark: These laws were passed in pursuance of the statute 1st and 2d Vict., c. 9, which limited to the 31st of December, 1842, the duration of the ordinances of the Governor and Special Council. Yet, amongst those enumerated in the schedule marked B some will be found which, from the nature of their provisions, would be useless, if not unmeaning, if the operation of them were to be really limited within that narrow period of time. For example, one of these ordinances authorizes the granting of a very long lease, which would endure till nearly the close of the present century; and another provides for registrations of births, deaths, and marriages, which, if not valid beyond the year 1842, it would be to no purpose to compile at all. I mention these merely by way of illustration. On reference to the whole series, you will find many enactments which, like these, contemplate permanent or lasting improvements, and not regulations expiring in less than three years from their commencement.

I do not refer to this circumstance as affording any ground of objection to the ordinances themselves, and still less as suggesting any matter of blame to the authors of them. The Governor and Special Council obviously legislated with the full recollection that their laws must cease to be binding after the close of the year 1842, unless in that interval provision should be made by Parliament for their longer continuance; but, hoping that such provision would be made, they passed some ordinances which, though of great value on that supposition, would, in the opposite event, be at least innoxious. Now, although it appears to me that in taking this course the Governor and Special Council judged very correctly, yet I also apprehend that, unless in pursuance of the statute of the last session of Parliament, 2d and 3d Vict., c. 53, laws be passed to give a permanent, or, at least, a protracted duration to the ordinances I have mentioned, those ordinances, as having been passed under the 1st and 2d Vict., c. 9, must cease to be in force from the 31st of December, 1842, and must consequently lose their chief value. You will therefore instruct the law officers of the Crown for Lower Canada to revise all the ordinances enumerated in the subjoined schedule, marked B; and to report to you which of them contemplate objects, to the right accomplishment of which it is necessary that a longer duration should be assigned to the laws than that limited by the 1st and 2d Vict. c. 9; and in those cases, you will submit to the Special Council the propriety of prolonging the operation of such ordinances, in exercise of the powers vested in that body by the 2d and 3d Vict. c. 53.

I inclose a third schedule, marked C, in which are enumerated such of the ordinances of the Governor and Special Council of Lower Canada as are still resting with other departments of Her Majesty's Government, and on which it will not be in my power to announce to you Her Majesty's decision until I shall be in possession of the reports of those departments.

No. 21.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 28, 1839.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

SCHEDULE A.

Titles of Ordinances of Special Council, Lower Canada, 2d Victoria.

- No. 48.—An Ordinance to suspend, for a limited time, part of certain Acts of the legislature of this province, therein mentioned, and for other purposes.
- No. 49.—An Ordinance to authorize the assistant judge, appointed in lieu of the resident judge of the district of Three Rivers, to sit and act in the Court of Queen's Bench for the district of Saint Francis, in this province, and to explain a certain Act therein mentioned, and for other purposes.
- No. 50.—An Ordinance to extend the provisions of a certain Act of the legislature of this province, therein mentioned.
- No. 51.—An Ordinance to facilitate the manner in which registers of baptisms, marriages, and burials, shall in future be numbered and authenticated, in the province of Lower Canada.
- No. 52.—An Ordinance to prevent the fraudulent manufacture, importation, or circulation of spurious copper and brass coin.
- No. 53.—An Ordinance to incorporate the Canada Marine Insurance Company.
- No. 54.—An Ordinance to amend the Act, passed in the thirty-sixth year of the reign of King George the Third, chapter nine, commonly called the Road Act.
- No. 55.—An Ordinance to suspend, for a limited time, certain parts of two Ordinances, therein mentioned, as far as the same relate to the city of Montreal, and to establish a society therein for preventing accidents by fire.
- No. 56.—An Ordinance to repeal so much of an Act of Parliament of Great Britain, of the twenty-fifth year of the reign of His late Majesty, George the Second, as directs the period of the execution of persons convicted of the crime of murder, and for other purposes.
- No. 57.—An Ordinance to suspend certain Acts therein mentioned, and to regulate in a better manner the packing and inspection of flour and Indian meal.
- No. 58.—An Ordinance to secure to and confer upon Alfred Rambau, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 59.—An Ordinance to secure to and confer upon Henry Vallotte, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 60.—An Ordinance for the better regulation of ferrymen and others, conveying persons for hire across the rivers and waters of this province.
- No. 61.—An Ordinance to amend a certain Act therein mentioned, and to provide for the better regulation of taverns and tavern keepers.
- No. 62.—An Ordinance to regulate the curing, packing, and inspection of beef and pork, intended for exportation.
- No. 63.—An Ordinance to amend a certain Act, therein mentioned, and for the more effectual punishment of such persons as shall seduce soldiers to desert.
- No. 64.—An Ordinance to extend certain privileges, therein mentioned, to the ministers of the Methodist New Connexion, and the congregations under their care.
- No. 65.—An Ordinance for establishing regulations respecting aliens coming into this province, or residing therein.
- No. 66.—An Ordinance to suspend, in part, certain Acts therein mentioned, and to establish and incorporate a Trinity House, in the city of Montreal.
- No. 67.—An Ordinance for the better information of the government and of the public, concerning prosecutions brought before justices of the peace.
- No. 68.—An Ordinance for vesting all the estates and property in the province of Lower Canada, occupied for the Ordnance service in the principal officers of Her Majesty's Ordnance, and for granting certain powers to the said principal officers, and for other purposes therein mentioned.
- No. 69.—An Ordinance to revive a certain Act, therein mentioned, and to make better provision with regard to the inspection of pot and pearl ashes.
- No. 70.—An Ordinance to abolish the practice of permitting defendants to traverse indictments for misdemeanors, before courts of Oyer and Terminer, in this province.
- No. 71.—An Ordinance to prolong the term of the royal charter, incorporating the Quebec Bank, and to make further provision for the government and management of the said bank.
- No. 72.—An Ordinance to suspend, in part, certain Acts therein mentioned, and to consolidate the laws relating to duties, levied under the authority of the provincial legislature.
- No. 73.—An Ordinance to suspend an Act passed in the tenth and eleventh years of the reign of His late Majesty George the Fourth, intituled, "An Act for the relief of certain religious congregations therein mentioned," and to make other legislative provision in the place thereof.

Schedule A.



## Schedule A.

- No. 74.—An Ordinance to provide for the more speedy attainder of persons indicted for high treason who have fled from the province, or remain concealed therein to escape from justice.
- No. 75.—An Ordinance to exempt certain articles from seizure in satisfaction of debts.
- No. 76.—An Ordinance concerning the erection of parishes, and the building of churches, parsonage-houses, and churchyards.
- No. 77.—An Ordinance to suspend, for a limited time, certain parts of two Ordinances therein mentioned, as far as the same relate to the city of Quebec, and to establish a society therein for preventing accidents by fire.
- No. 78.—An Ordinance to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices.
- No. 79.—An Ordinance to provide for the subsistence of volunteers and militia men, who may have been or may be wounded, and for that of the families of those who may have been or may be killed, in certain cases hitherto unprovided for.
- No. 80.—An Ordinance to repeal a certain Act, therein mentioned, relative to a certain market place at Près de Ville, in the city of Montreal.
- No. 81.—An Ordinance to provide for the improvement, during the winter season, of the principal post roads from various parts of the province of Montreal, and for other purposes.
- No. 82.—An Ordinance to extend the provisions of the Ordinance therein mentioned, to the losses sustained by certain loyal inhabitants of this province, during the rebellion which has occurred since the passing of the said Ordinance.
- No. 83.—An Ordinance concerning bankrupts, and the administration and distribution of their estates and effects.
- No. 84.—An Ordinance to change the place of the registry-office for the county of Stanstead.
- No. 85.—An Ordinance for erecting a court-house, with proper offices, at Sherbrooke, in the district of Saint Francis, and for defraying the expense thereof.
- No. 86.—An Ordinance to make provision for defraying the civil expenditure of the provincial Government, for the year ending on the tenth day of October, one thousand eight hundred and thirty-nine.
- No. 87.—An Ordinance to continue certain Acts therein mentioned, relating to the administration of justice in the inferior district of Gaspé.
- No. 88.—An Ordinance to remove certain doubts as to the extension of the benefit of the warehousing system, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of his late Majesty's reign, to duties imposed by provincial Acts.
- No. 89.—An Ordinance to appropriate certain sums of money to the support of certain charitable institutions.
- No. 90.—An Ordinance to appropriate certain sums therein mentioned to the encouragement of education.
- No. 91.—An Ordinance to amend an Ordinance intituled, "An Ordinance for establishing regulations respecting aliens coming into this province or residing therein."
- No. 92.—An Ordinance to continue the Act to provide less expensive means for the recovery of wages due to seamen of vessels belonging to or registered in this province.
- No. 93.—An Ordinance to regulate the currency of this province.
- No. 94.—An Ordinance to amend and continue the Act to regulate the exercise of certain rights of lessors and lessees.
- No. 95.—An Ordinance to prevent real property, under seizure, from being injured or wasted, to the damage of the party seizing.
- No. 96.—An Ordinance to regulate the practice of the courts of judicature in this province, respecting certain proceedings.
- No. 97.—An Ordinance to incorporate the ecclesiastics of the seminary of Saint Sulpice, of Montreal, to confirm their title to the fief and seigniority of the Island of Montreal, the fief and seigniority of the Lake of the Two Mountains, and the fief and seigniority of Saint Sulpice, in this province; to provide for the gradual extinction of seigniorial rights and dues, within the seigniorial limits of the said fiefs and seigniories, and for other purposes.
- No. 98.—An Ordinance to repeal a certain Ordinance intituled, "An Ordinance to declare that the second chapter of the Statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second, is not, nor has ever been, in force in this province, and for other purposes."
- No. 99.—An Ordinance to revive and continue certain Acts of the Legislature of this province therein mentioned.
- No. 100.—An Ordinance to provide for the completion of certain public works for the improvement of the internal communications, and for the encouragement of agriculture, and for other purposes.
- No. 101.—An Ordinance to continue for a limited time the "Act to create a fund for defraying the expense for Medical Assistance for Sick Emigrants, and of enabling indigent persons of that description to proceed to their place of destination."
- No. 102.—An Ordinance to extend the provisions of the Ordinance for establishing an efficient system of police in the cities of Quebec and Montreal.
- No. 103.—An Ordinance to amend an Act of the Legislature of this province, intituled, "An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same



- towards defraying the expenses of the administration of justice and support of the civil government within this province, and for other purposes therein mentioned."
- No. 104.—An Ordinance to regulate private banking, and the circulation of the notes of private bankers.
- No. 105.—An Ordinance to establish Circuit Courts of Requests in the districts of Quebec, Montreal, and Three Rivers, and for other purposes.
- No. 106.—An Ordinance to suspend for a limited time certain sections of the Ordinance for the better packing and inspection of flour and meal.
- No. 107.—An Ordinance to amend certain Acts therein mentioned relative to a certain market at Montreal.
- No. 108.—An Ordinance to authorize the commissioners for making the canal from St. John's to Chambly, to borrow a certain sum of money to complete the said canal.
- No. 109.—An Ordinance for the more easy and certain collection of the harbour dues of Montreal.
- No. 110.—An Ordinance to provide for the distribution of the printed copies of the Ordinances passed by the Governor of this province and the Special Council for the affairs thereof.
- No. 111.—An Ordinance to establish a Board of Works in this province.
- No. 112.—An Ordinance to provide for the inspection of fish and oil.
- No. 113.—An Ordinance for indemnifying persons who, since the twentyfirst- day of December, one thousand eight hundred and thirty-eight, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of high treason, or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.
- No. 114.—An Ordinance to repeal a certain Ordinance therein mentioned relating to the district of Saint Francis.

## SCHEDULE B.

List of Ordinances to be re-enacted, or left to their operation.

- No. 48.—An Ordinance to suspend for a limited time part of certain Acts of the legislature of this province therein mentioned, and for other purposes.
- No. 49.—An Ordinance to authorize the assistant judge, appointed in lieu of the resident judge of the district of Three Rivers, to sit and act in the Court of Queen's Bench for the district of Saint Francis, in this province, and to explain a certain Act therein mentioned, and for other purposes.
- No. 50.—An Ordinance to extend the provisions of a certain Act of the legislature of this province therein mentioned.
- No. 51.—An Ordinance to facilitate the manner in which registers of baptisms, marriages, and burials, shall in future be numbered and authenticated in the province of Lower Canada.
- No. 52.—An Ordinance to prevent the fraudulent manufacture, importation, or circulation of spurious copper and brass coin.
- No. 54.—An Ordinance to amend the Act passed in the thirty-sixth year of the reign of King George the Third, chapter nine, commonly called the Road Act.
- No. 56.—An Ordinance to repeal so much of an Act of the Parliament of Great Britain of the twenty-fifth year of the reign of his late Majesty George the Second, as directs the period of the execution of persons convicted of the crime of murder, and for other purposes.
- No. 58.—An Ordinance to secure to, and confer upon, Alfred Ranbau, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 59.—An Ordinance to secure to, and confer upon, Henri Vallotte, an inhabitant of this province, the civil and political rights of a natural born British subject.
- No. 60.—An Ordinance for the better regulation of ferrymen and others conveying persons for hire across the rivers and waters of this province.
- No. 61.—An Ordinance to amend a certain Act therein mentioned, and to provide for the better regulation of taverns and tavern-keepers.
- No. 63.—An Ordinance to amend a certain Act therein mentioned, and for the more effectual punishment of such persons as shall seduce soldiers to desert.
- No. 64.—An Ordinance to extend certain privileges therein mentioned, to the ministers of the Methodist New Connexion, and the congregations under their care.
- No. 65.—An Ordinance for establishing regulations respecting aliens, coming into this province and residing therein.
- No. 67.—An Ordinance for the better information of the Government and of the public, concerning prosecutions brought before justices of the peace.
- No. 70.—An Ordinance to abolish the practice of permitting defendants to traverse indictments for misdemeanors before courts of Oyer and Terminer in this province.
- No. 71.—An Ordinance to prolong the term of the royal charter incorporating the Quebec Bank, and to make further provision for the government and management of the said bank.
- No. 72.—An Ordinance to suspend in part certain Acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the provincial legislature.
- No. 73.—An Ordinance to suspend an Act passed in the tenth and eleventh years of the reign of His late Majesty George the Fourth, intituled, An Act for the relief of certain

Schedule B.

- religious congregations therein mentioned, and to make other legislative provision in the place thereof.
- No. 74.—An Ordinance to provide for the more speedy attainder of persons indicted for high treason, who have fled from the province, or remain concealed therein to escape from justice.
- No. 75.—An Ordinance to exempt certain articles from seizure in satisfaction of debts.
- No. 76.—An Ordinance concerning the erection of parishes and the building of churches, parsonage houses, and churchyards.
- No. 77.—An Ordinance to suspend for a limited time certain parts of two Ordinances therein mentioned, as far as the same relate to the city of Quebec, and to establish a society therein for preventing accidents by fire.
- No. 78.—An Ordinance to continue for a limited time a certain Ordinance relative to persons charged with high treason, suspicion of treason, misprision of high treason and treasonable practices.
- No. 79.—An Ordinance to provide for the subsistence of volunteers and militia men, who may have been or may be wounded, and for that of the families of those who may have been or may be killed, in certain cases hitherto unprovided for.
- No. 80.—An Ordinance to repeal a certain Act therein mentioned, relative to a certain market-place at Pres de Ville, in the city of Montreal.
- No. 81.—An Ordinance to provide for the improvement during the winter season of the principal post roads from various parts of the province of Montreal, and for other purposes.
- No. 82.—An Ordinance to extend the provisions of the Ordinance therein mentioned to the losses sustained by certain loyal inhabitants of this province during the rebellion which has occurred since the passing of the said Ordinance.
- No. 83.—An Ordinance concerning bankrupts, and the administration and distribution of their estates and effects.
- No. 84.—An Ordinance to change the place of the registry office for the county of Stanstead.
- No. 85.—An Ordinance for erecting a court-house with proper offices at Sherbrooke, in the district of St. Francis, and for defraying the expense thereof.
- No. 86.—An Ordinance to make provision for defraying the civil expenditure of the provincial government for the year ending on the tenth day of October, one thousand eight hundred and thirty-nine.
- No. 87.—An Ordinance to continue certain Acts therein mentioned, relative to the administration of justice in the inferior district of Gaspé.
- No. 88.—An Ordinance to remove certain doubts as to the extension of the benefit of the warehousing system, established by a certain Act of the Imperial Parliament, passed in the third and fourth years of his late Majesty's reign, to duties imposed by provincial Acts.
- No. 89.—An Ordinance to appropriate certain sums of money to the support of certain charitable institutions.
- No. 90.—An Ordinance to appropriate certain sums therein mentioned to the encouragement of education.
- No. 91.—An Ordinance to amend an Ordinance intituled, an Ordinance for establishing regulations respecting aliens coming into this province, or residing therein.
- No. 94.—An Ordinance to amend and continue the Act to regulate the exercise of certain rights of lessors and lessees.
- No. 95.—An Ordinance to prevent real property under seizure from being injured or wasted, to the damage of the party seizing.
- No. 96.—An Ordinance to regulate the practice of the courts of judicature in this province respecting certain proceedings.
- No. 97.—An Ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice of Montreal, to confirm their title to the Fief and Seigniorship of the island of Montreal, the Fief and Seigniorship of the Lake of Two Mountains, and the Fief and Seigniorship of St. Sulpice in this province, to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said Fiefs and Seigniorships, and for other purposes.
- No. 98.—An Ordinance to repeal a certain Ordinance intituled, "an Ordinance to declare that the second chapter of the statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second is not nor has ever been in force in this province, and for other purposes."
- No. 99.—An Ordinance to revive and continue certain Acts of the Legislature of this province therein mentioned.
- No. 100.—An Ordinance to provide for the completion of certain public works, for the improvement of the internal communications, and for the encouragement of agriculture, and for other purposes.
- No. 101.—An Ordinance to continue for a limited time the "Act to create a fund for defraying the expense of Medical Assistance for Sick Emigrants, and for enabling indigent persons of that description to proceed to their place of destination."
- No. 102.—An Ordinance to extend the provisions of the Ordinance for establishing an efficient system of police in the cities of Quebec and Montreal.
- No. 103.—An Ordinance to amend an Act of the Legislature of this province, intituled, "An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same towards defraying the expenses of the administration of justice, and support of the civil government within this province, and for other purposes therein mentioned."



- No. 104.—An Ordinance to regulate private banking, and the circulation of the notes of private bankers.
- No. 105.—An Ordinance to establish circuit courts of request in the districts of Quebec, Montreal, and Three Rivers, and for other purposes.
- No. 107.—An Ordinance to amend certain Acts therein mentioned, relative to a certain market at Montreal.
- No. 108.—An Ordinance to authorize the Commissioners for making the canal from St. John's to Chambly, to borrow a certain sum of money to complete the said canal.
- No. 110.—An Ordinance to provide for the distribution of the printed copies of the Ordinances passed by the Governor of this province, and the Special Council for the affairs thereof.
- No. 111.—An Ordinance to establish a Board of Works in this province.
- No. 113.—An Ordinance for indemnifying persons who, since the 21st day of December, 1838, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of high treason or treasonable practices, and in the suppressing of unlawful assemblies, and for other purposes therein mentioned.
- No. 114.—An Ordinance to repeal a certain Ordinance therein mentioned, relating to the district of St. Francis.

Schedule B.

SCHEDULE C.

List of Ordinances on which Her Majesty's decision is at present suspended:—

- No. 53.—An Ordinance to incorporate the Canada Marine Insurance Company.
- No. 55.—An Ordinance to suspend for a limited time certain parts of two Ordinances therein mentioned, as far as the same relate to the city of Montreal, and to establish a society therein for preventing accidents by fire.
- No. 57.—An Ordinance to suspend certain Acts therein mentioned, and to regulate in a better manner the packing and inspection of flour and Indian meal.
- No. 62.—An Ordinance to regulate the curing, packing, and inspection of beef and pork intended for exportation.
- No. 66.—An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the city of Montreal.
- No. 68.—An Ordinance for vesting all the estates and property in the province of Lower Canada, occupied for the ordnance service, in the principal officers of Her Majesty's Ordinance, and for granting certain powers to the said principal officers, and for other purposes therein mentioned.
- No. 69.—An Ordinance to revive a certain Act therein mentioned, and to make better provision with regard to the inspection of pot and pearl ashes.
- No. 92.—An Ordinance to continue the Act to provide less expensive means for the recovery of wages due to seamen of vessels belonging to or registered in this province.
- No. 93.—An Ordinance to regulate the currency of this province.
- No. 106.—An Ordinance to suspend for a limited time certain sections of the Ordinance for the better packing and inspection of flour and meal.
- No. 109.—An Ordinance for the more easy and certain collection of the harbour dues of Montreal.
- No. 112.—An Ordinance to provide for the inspection of fish and oil.

Schedule C.

(No. 30.)

No. 22.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 31st Oct. 1839.

THE despatch which was addressed to Lord Durham by Lord Glenelg, on the 3rd of April, 1838, transmitting the several commissions constituting him Governor-General of British North America, and Governor of each province respectively, contains a full exposition of the powers thus entrusted to his Lordship, and of the course of proceeding by which those powers were to be exercised. With the exception of that part relating to Newfoundland, (which island is not, as in the case of Lord Durham, included in your commission) these instructions appear to me to apply equally to your own appointment as Governor-General of British North America; and it is my wish that you should adopt them as the rule for your guidance in the discharge of your high and important duties.

A circular similar to that which was addressed to the Lieutenant-Governors on the appointment of Lord Durham, has on this occasion been forwarded to those officers for their guidance.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 22.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 31, 1839.

*Vide Papers.*  
Relative to British  
North America,  
ordered to be printed  
February, 1839, p. 11.

(No. 31.)

No. 23.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 31st Oct. 1839.

No. 23.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
October 31, 1839.

I TRANSMIT to you herewith a copy of a despatch and its enclosures from the Lieutenant-Governor of Upper Canada, relative to the financial condition of that province, more particularly as that subject is connected with the improvement of the water communication.

25th Sep. 1839,  
No. 195.

*Vide Upper Canada  
correspondence,  
Financial."*

I believe that I have nothing to add to the instructions which I have already addressed to you relative to the important question of Upper Canadian Finance, and the various projects of improvement which have been recently submitted to the consideration of Her Majesty's Government, in Sir George Arthur's despatches. I shall only observe, therefore, in transmitting this further representation on these subjects, that Her Majesty's Government will attach great weight to any recommendations which you may make on questions relating to Public Works, especially such as would facilitate Trade in the Upper Province.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have &c.  
(Signed) J. RUSSELL.

(No. 34.)

No. 24.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 2d Nov. 1839.

No. 24.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 2, 1839.

WITH reference to the correspondence with Lord Durham and Sir John Colborne, relative to the expediency of a steam vessel being stationed in the St. Lawrence, to be employed by the Governor-General in such public services as might from time to time be required, I have to acquaint you that the Lords Commissioners of Her Majesty's Treasury have signified to me their concurrence in the proposal made to them on this subject, and their readiness to sanction such appropriation as you may be enabled to make for the purchase and maintenance of a steamer of the description required. You are, therefore, at liberty to make such arrangements as may appear to you to be most desirable for giving effect to this decision.

The Lords Commissioners of the Admiralty, who have been consulted on this subject, have stated it to be their opinion that a steam vessel such as the "Medea," which Sir John Colborne referred to as having been employed on the lakes, and as being suited to the navigation of the St. Lawrence, is not well adapted for that river, and that one of less size and draught of water would be preferable. As the employment of a smaller vessel than the "Medea" would, of course, much diminish the original cost and the expense of maintenance, you will, in your arrangements, have regard to the opinion entertained by the Lords of the Admiralty on this point.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

I have, &c.  
(Signed) J. RUSSELL.

(No. 34.)

No. 25.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 9th Nov. 1839

No. 25.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 9, 1839.

I HAVE to acknowledge the receipt of Sir J. Colborne's despatch, No. 114, of the 17th of September, transmitting the Returns of Sales of Clergy Reserves in Lower Canada, which were required by Lord Glenelg's despatch, No. 45, of the 25th of January last.

I regret to find, that the result of this inquiry has been to prove the abuses alleged to have been practised by Mr. Felton and his agents in this branch of their duty. The returns show that, in violation of the provisions of the Act of the Imperial Parliament, 7 & 8 Geo. 4, cap. 62, which limits the quantity of the clergy reserves to be sold in one year to 100,000 acres, and the whole amount to be sold to one-fourth of the whole: there were sold in 1835, 111,277 acres, and in the whole 309,554 out of 647,895. I cannot admit in extenuation the excuse which the present Commissioners of Crown Lands have suggested for Mr. Felton, that,



taking a loose calculation of the whole amount which might be reserved at 1,500,000 acres, he proceeded to sell one-fourth of that quantity. Such an excuse is clearly inapplicable to the charge of having sold upwards of 100,000 in one year; and, if it were admitted in mitigation of the other charge against him, it cannot relieve him from the responsibility of having executed in a most careless and irregular manner a portion of his duties, which, from its very nature and from its being regulated by so high an authority as an Act of the Imperial Parliament, would appear to have demanded his especial care and attention.

An adequate remedy for these unjustifiable proceedings is not, I fear, in the power of Her Majesty's Government. Even if it were practicable to repudiate the acts done by Mr. Felton, as their agent, with a view to enforce the provisions of the Act, such a proceeding would be inexpedient as leading to much individual hardship. The purchasers of the excess of reserves sold cannot be regarded as responsible parties in the violation of the law, and the titles which they have acquired must be respected.

It is hardly necessary that I should instruct you that no further sale of clergy reserves should now take place in Lower Canada. I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 25.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 9, 1839.

(No. 38.)

No. 26.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 19th November, 1839.

I HAVE the honour to acknowledge the receipt of your despatch, No. 1, of the 19th October, reporting your arrival and assumption of the government of Lower Canada, and transmitting the copy of a proclamation which you issued on that occasion, together with copies of an address presented to you by the magistrates of Quebec and of your reply to it. I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 26.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 19, 1839.

(No. 43.)

No. 27.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 25th November, 1839.

I HAVE received your despatch, No. 2, of the 22d of October, enclosing a copy of an address which had been presented to you by the Committee of Trade at Quebec, together with a copy of your reply.

I have to express to you my satisfaction at the tone in which this address is framed, and my approval of the answer with which you acknowledged it.

I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 27.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 25, 1839.

(No. 45.)

No. 28.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing Street, 29th November, 1839.

I HAVE to acknowledge the receipt of your despatches, No. 4, of the 31st ultimo, and of the 1st instant, reporting your opinion on the state of public feeling in the Province of Lower Canada, and explaining the reasons which, after consultation with Sir George Arthur, had determined you to proceed at once to Upper Canada, there to meet the Provincial Legislature, which had been convened for that purpose for the 4th December.

I entirely approve of the course which you have adopted, and concurring in the view which you have taken on the question of the dissolution of the Assembly of Upper Canada, I am of opinion, that unless you should find great difficulties arise from the conduct of that body, such a step would be inexpedient.

I have, &c.

Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 28.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
November 29, 1839.

(No. 47.)

No. 29.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

No. 29.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 6, 1839.

SIR,

Downing Street, 6th December, 1839.

OF the nine Bills passed by the Legislative Council and Assembly of Upper Canada on the 11th May last, and reserved by Sir G. Arthur for the signification of Her Majesty's pleasure; there remain three respecting which the decision of Her Majesty has not yet been communicated to you.

These are the Currency Bill (No. 1149), the Bill (No. 1152) authorizing the purchase by the province of the private stock in the Welland Canal, and the Bill (No. 1154) relating to the division of District of Colborn.

The Currency Bill has been under the consideration of the Lords Commissioners of the Treasury, together with an Ordinance recently passed by the late Governor and Special Council of Lower Canada on the same subject.

Enclosure No. 1.

I enclose for your information and guidance, an extract of a Minute passed by their Lordships on the 22d ultimo, stating that, for the reasons therein given, they cannot advise the confirmation of these laws.

Having submitted this report to the Queen, I am commanded by Her Majesty to instruct you to communicate it to the Council and Assembly as explanatory of the reasons why it will not be in Her Majesty's power to confirm this Bill. This report is likewise explanatory of the principles by which it is necessary that the legislation of the British North American Provinces on the subject of Currency should be governed, in order to establish that uniformity which it is indispensable to maintain on matters of this kind, between the laws in force throughout the various members and dependencies of the British empire.

Enclosure No. 2.

I also transmit a copy of a Minute passed by the Lords of the Treasury on the 26th ultimo relating to the Bill for authorizing the purchase of the private stock in the Welland Canal. You will perceive that their Lordships are unable to form a just opinion on the propriety of making this purchase without further information on the subject, the nature of which is explained in the Minute. You will have the goodness to supply me with this information at your early convenience, and in the mean time Her Majesty's decision on this Bill will be suspended.

The Bill relating to the division of the district of Colborn, appears by Sir George Arthur's Despatch of the 22d May, No. 122, to have been "reserved" by him for two reasons. first, because some remonstrance had been made against it, of the nature of which I am not informed; and secondly, because there were obvious grounds for hesitation as to multiplying the electoral districts of the province at the present moment. I have thought it advisable not to take any steps upon this Bill until I should be in possession of your views upon the subject.

As this will, in all probability, have formed one of the subjects of your discussion with Sir George Arthur before you receive this despatch, Her Majesty's confidential advisers will be guided in disposing of this Bill by the report which I shall receive from you on the probable effect of its operation, if it should receive Her Majesty's confirmation.

I have, &amp;c.

Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

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Extract of Treasury Minute of 22nd November, 1839.

Extract.

MY Lords have under consideration an ordinance passed by the governor and special council of Lower Canada, on the 3rd April last, entitled "An ordinance to regulate the currency of the Province." And an Act passed by the legislative council and assembly of Upper Canada in the month of May last, entitled "An Act to regulate the value at which gold and silver coins shall pass current within the Province," which enactments having been reserved for the signification of Her Majesty's pleasure, as they relate to the currency and circulating medium in those colonies, have been referred for the opinion of my Lords' Board as to the directions it may be advisable for Her Majesty in Council to give thereon.

My Lords observe that these enactments provide for fixing the comparative rates of value between British sterling money and the local currency, and money of account of the respective provinces; for giving currency, as legal tenders of payment, to certain foreign coins, as well as to the coins of the United Kingdom, and for the prevention and punishment of attempts to circulate counterfeit or spurious coin; and that in the case of Lower Canada, a reference is



made to arrangements for calling in and recoining such imperfect or other coins now in circulation, as will not be legally current under the provisions of the ordinance.

My Lords have much satisfaction in remarking that the attention of the legislative authorities in the Canadian Provinces has been thus turned to the state of the local currency, and that the tendency of both the measures now before them is the introduction of a sound and intrinsically valuable circulating medium and standard of value, and the assimilation of the currency to that of this country, without depriving the inhabitants of the provinces of the accommodation and convenience that may attend the use of foreign coins of ascertained value.

My Lords, however, observe that the rates assigned by these enactments to the different coins to which it is proposed to give currency in the respective provinces, are not accurately fixed with reference to the comparative values of the coins, and are consequently such as would in both cases defeat the objects of the enactments. On this ground, therefore, my Lords are of opinion, that it would be inexpedient that either the Ordinance of the Lower Province, or the act of the Upper Province should be permitted to come into operation. In addition also to this conclusive reason for withholding Her Majesty's confirmation of both these enactments, the Act of the Upper Province would be liable to objection as regards the great variety of coins comprised in the Schedule A, and thereby constituted a legal tender, and as regards the limitation of the duration of the Act; for my Lords consider it to be desirable that the legalized tender should only extend to such coins as are constantly in circulation and well known, and consequently of ascertained fineness, and liable to frequent examination, but that coins which are obsolete or little known in the province, be left to pass as bullion only; and as it is always desirable to abstain as far as possible from proceedings that may tend to unsettle the currency, it appears to my Lords, that the prospective limitation of the duration of an enactment of this description would be inexpedient.

The clause also in the ordinance of the governor and council of Lower Canada, which purports to empower Her Majesty to direct that coins current under previous provincial enactments, but to which no current value is assigned by the Ordinance, may be called in and re-coined into British gold and silver coins, with a proviso that the actual expense only of such recoinage shall be borne by the province, would be objectionable, as the mode of effecting any such recoinage must be regulated by the existing laws of this country relating to the subject.

Adverting to these several considerations, my Lords conceive it will be proper to cause a copy of this minute to be forwarded to Lord John Russell, in order that his lordship, if he does not see reason to dissent from the opinion of this Board, may convey instructions to the officers administering the governments of the respective provinces to apprise the local legislatures of the objections which have prevented the confirmation of these enactments; and my Lords having before them a statement explanatory of the discrepancies in the valuations of the coins provided for by the Ordinance, and by the Act which must interfere prejudicially with their circulation, and showing the comparative rates it would be necessary to adopt to obviate those discrepancies, they will further cause the Secretary of State to be furnished with a copy of this statement, in order that it may likewise be communicated to the Canadian Governments.

# Statement relative to the Metallic Currency of Upper and Lower Canada.

THE Ordinance passed in Lower Canada, after reciting that the rates and value assigned to the several coins therein mentioned are inconsistent with each other, and in many cases erroneous; and that it is highly desirable to establish a legal proportion between the pound sterling, as represented by the British Sovereign, and the pound currency of the province, and as far as circumstances will permit to assimilate the currency thereof to that of the mother country, but without injuriously affecting the interests of any party to any existing contract, proceeds to enact that a certain Act passed in the 48th of George III., entitled an Act "for better regulating the weight and rates at which certain coins shall pass current in the province, &c." shall be suspended during the time this Ordinance shall be in force.

The Ordinance then enacts that the pound currency shall be such, that the pound sterling as represented by the British sovereign, of the weight and fineness now fixed by the laws of the United Kingdom, shall be equal to and pass for £1. 4s. 4d. currency.

	£.	s.	d.
The old Eagle of the United States, weighing 11 dwts. 6 grs. . . . .	2	13	4
New Eagle of ditto, 10 dwts. 18 grs. . . . .	2	10	0
Old Spanish Doubloon, Mexican and Columbia Doubloon coined in the years 1826, 27, and 28, 17 dwts. 9 grs. . . . .	3	17	8
French 40-franc piece coined before the commencement of the present year . . . . .	1	18	7

The above-mentioned cases, and the multiples and subdivisions thereof being of proportionate weight, to be a legal tender to any amount by tale, so long as such coins shall not want more than two grains of the weight hereby assigned to them, deducting one halfpenny currency for each quarter of a grain any such coin shall want of such weight, and shall be in any case a legal tender, by weight, in sums exceeding twenty pounds currency; and in any payment above that sum, they payer may pay, or the receiver insist on receiving, coins by weight at the following rates:—

	s.	d.
British gold coins	94	0 per ounce.
United States ditto		
Coined before July, 1834		

No. 29.  
 Lord John Russell  
 to the Right Hon. C.  
 Poulett Thomson.  
 December 6, 1839.  
 Extract.

Statement.

No. 29.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 6, 1839.  
Statement.

	s.	d.
Ditto coined since July, 1834 . . .	93	0 per ounce.
French gold coins . . . . .	93	1 „
Doubloons . . . . .	89	5 „

The Ordinance then enacts that the Spanish millat dollar, the dollar of the United States and of the several states of South America and Mexico, coined before 1st January, 1839, and not weighing less than 17 dwts. 4 grs., shall pass for five shillings each, and shall be a legal tender, by tale, to any amount, as shall also any silver coins, being subdivisions of such dollars for proportionate sums, but the subdivisions of such dollars, being less than quarters thereof, shall be a legal tender for 50s., and no more; provided that the Governor, Lieutenant-Governor, or person administering the government, may by proclamation extend the provisions of this section, and the section preceding it, to any gold or silver coins of the weights and denominations above referred to, but of later dates, which having been assayed at the royal mint, shall be found to be equal in fineness to those above mentioned, or referred to, respectively.

It is further enacted, that all silver coins of the United Kingdom shall pass at the following rates:—

	s.	d.
British crown . . . . .	6	0
British half-crown . . . . .	3	0
British shilling . . . . .	1	3
British sixpence . . . . .	0	7½
British groat . . . . .	0	5

The crowns and half-crowns to be a legal tender to any amount, but the shillings, sixpences, and groats, to be a legal tender to the amount of 50s. currency, and no more.

The copper penny of the United Kingdom, or any other which Her Majesty may cause to be coined, if not less than 5-6ths of the weight of such copper penny, shall pass for one penny currency, and the halves and quarters thereof for proportionate sums; and such copper money to be a legal tender to the amount of 1s. currency, and no more.

In the preamble of this Ordinance it is declared, that it is desirable that the currency of the province should be assimilated, as far as circumstances will permit, and without injuriously affecting existing contracts, to that of the mother country.

With this intention it is also enacted, that the British sovereign shall be rated at, and pass current for 1*l.* 4*s.* 4*d.* currency; and the gold coins of the United States of America, of France, and of the several States of Mexico, and South America, are rated according to their respective weights and fineness in exact proportion to the sovereign.

In so far as relates to the relative value of the gold coins, the intention of the Ordinance is thus successfully accomplished. But the Ordinance proceeds to enact, that the dollar of the United States of America, and of Columbia and Mexico, shall pass current, and be a legal tender at the rate of 5*s.* currency; and that the silver coins of Great Britain shall pass current at the several rates of 6*s.* for the crown, 3*s.* for the half-crown, 1*s.* 3*d.* for the shilling, 7½*d.* for the sixpence, and 5*d.* for the fourpenny piece.

Now these several rates are neither consistent with each other, nor with the rates assigned to the gold coins. The dollar, the British crown, and half-crown are *undervalued*; the British shilling, sixpence, and groat are *overvalued*, not only with reference to the gold coins, but likewise with reference to the crown and half-crown.

The dollar is rated in the Ordinance according to the proportion of gold to silver adopted at the mint of the United States, which proportion is about one and a-half per cent. below that which obtains in the general market of the commercial world. The ground for adopting the United States proportion would seem to be an apprehension, that while the two metals are valued by law in the United States, in the proportion of 16 to 1, their proportionate value in England, and in the general market of the world, is nearly 15¾ to 1, and that if the latter proportion were adopted, the gold coins would soon leave the colony, and be exported to the United States.

It is, however, conceived that the overvaluation of gold in the United States may safely be disregarded, as its effect in that country must be to make gold the only practical standard, and to establish a premium on silver equal to the difference between the legal proportions in the United States, and the market proportions elsewhere; in which case, little or no inconvenience would be experienced in the colonies with respect to their exchange with the United States, if the market proportions were adopted.

On what principle the crown and half-crown are undervalued, and the shilling, sixpence, and groat overvalued in relation to the sovereign, is not so apparent. It is indeed enacted, that shillings, sixpences, and fourpenny pieces shall be a legal tender only to the extent of 50*s.* urrency, but this limitation would not prevent the exclusion of the superior coins from circulation. It would still be the interest of the holders of gold coins, dollars, crowns, and half-crowns, to exchange those coins for shillings and sixpences, and to export them to Great Britain for that purpose. It would be the interest of the banks to pay all notes of lower denominations than 50*s.* currency, with British shillings and sixpences; for the larger notes they would be exposed to an inconvenient demand for gold, in consequence of the overvaluation of British silver coin.

If the proper proportions had been observed in the rates assigned to the several coins by this Ordinance, they would have been respectively as follows:—

	£.	s.	d.
Sovereign . . . . .	1	4	4
United States, old eagle . . . . .	2	13	4
Ditto, new ditto . . . . .	2	10	0



	£.	s.	d.
Doubloon . . . . .	3	17	8
French 40-franc piece . . . . .	1	18	7
Dollar . . . . .	0	5	1
British crown . . . . .	0	6	1
Ditto half-crown . . . . .	0	3	0½
Shilling . . . . .	0	1	2½ <sup>64</sup> <sub>10</sub>
Sixpence . . . . .	0	0	7 <sup>3</sup> <sub>10</sub>
Groat . . . . .	0	0	4 <sup>86</sup> <sub>100</sub>

No 29,  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 6, 1839.  
Statement.

UPPER CANADA.

By the Act passed in this province on the 11th of May, 1839, all former Acts for regulating the rates and value of gold and silver coins in the province, are repealed.

It is then enacted, that the gold coins mentioned in a schedule annexed to the Act shall be deemed a legal tender at the rates and value set opposite to them respectively in the Schedule: provided that whenever the said coins shall not be of the full weight set opposite to them, and also in case of payment of any sum over 25*l.*, the said coins shall be paid by weight at the following rates:—

	s.	d.
British gold . . . . .	4	9 per dwt.
French gold . . . . .	4	8 „
Spanish, Mexican, and Colombian gold . . . . .	4	6 „

and all other coins at the rates deduced from the rates and weights set forth in the Schedule.

The rates for the undermentioned gold coins in the Schedule are respectively as follows:—

	dwt.	grs.	£.	s.	d.
Sovereign, weight . . . . .	5	2½	1	4	4
United States old eagle . . . . .	11	6	2	13	3¼ <sup>60</sup> <sub>100</sub>
Ditto new eagle . . . . .	10	18	2	10	0
Doubloon . . . . .	17	9	3	17	8 <sup>40</sup> <sub>100</sub>
French 40 franc . . . . .	8	7	1	18	6 <sup>48</sup> <sub>100</sub>

According to these weights and rates the sovereign would not be a legal tender if its weight should be less than 5 dwts. 2½ grs.

This coin when first issued from the mint should weigh 5 dwts. 3·274 grs.

By a proclamation dated 1st July, 1817, the current weight was fixed at 5 dwts. 2½ grs., being <sup>524</sup><sub>1000</sub> under the full weight.\*

In fixing the current weight of the sovereign at 5 dwts. 2½ grs. in the Upper Canada Act, it is apprehended that the proclamation of the 6th February, 1821, was overlooked.

The weight and fineness of all the various gold coins enumerated in the Schedule annexed to the Act, appear to be taken from a table of foreign coins made out in the United States of America, in pursuance of an Act passed by Congress, on 21st June, 1834. In the United States Act, it is enacted that it shall be “the duty of the secretary of the Treasury to cause assays of the aforesaid gold coins made current by this Act, to be had at the Mint of the United States, at least once in every year, and to make report of the result thereof to the Congress.”

This enactment was, no doubt, deemed necessary, in order to guard against any alteration that might be made in the weight or fineness of any of the various coins made current by the Act.

The Upper Canada Act is not equally guarded in this respect.

It is further enacted by the Upper Canada Act, in question, that the silver coins specified in a schedule annexed to the Act, shall pass current, and be a legal tender at the rates and value set opposite to them in the schedule. Provided that British shillings and sixpences shall not be a legal tender for any payment above 10*l.*, and provided, also, that the said silver coins shall not be a legal tender, if reduced in weight above one twenty-fifth of the proper weight of such silver coins.

The following are the rates at which the silver coins specified in the schedule, are to pass current, and to be a legal tender:—

	s.	d.
Spanish, Mexican, Columbian, and United States dollar . . . . .	5	0
British crown . . . . .	6	0
British half-crown . . . . .	3	0
British shilling . . . . .	1	3
British sixpence . . . . .	0	7½
French crown . . . . .	4	8½ <sup>1</sup> <sub>10</sub>

The rates and value assigned to the gold coins of Great Britain, France, the United States, Mexico, and South America, by the Act, are very nearly the same as those adopted in the Act passed by the legislature of Lower Canada. The rates and value assigned to the dollar, and to British silver coins, are exactly the same in both Acts, but according to the Upper Canada Act, shillings and sixpences are to be a legal tender to the extent of 10*l.*; in the Lower Canada Act, the limitation is 40*s.*

\* By a subsequent proclamation dated 6th February, 1821, the current rate was altered to 5 dwts. 2½ grs., being <sup>524</sup><sub>1000</sub>, or about ¼ of a grain under the full weight.

No. 29.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
December 6, 1839.  
Statement.

The observations on the Lower Canada Ordinance, are equally applicable to the Act of the Upper Province. In both the rates and value assigned to the different coins specified in the Acts, are erroneous and inconsistent with each other.

Copy of Treasury Minute of 26th November, 1839.

24851. Read again.

My Lords have under consideration an Act passed by the Legislative Council, and House of Assembly of Upper Canada in the month of May last, entitled, "An Act to authorize the purchase of the private stock in the Welland Canal, on the part of the province, and for other purposes therein mentioned," which having been reserved by the Lieutenant-Governor for the signification of the Queen's pleasure, has been referred by the Secretary of State for the opinion of this Board as to the expediency of submitting the same for the confirmation of her Majesty in Council.

My Lords observe, that this Act, after reciting that it is desirable to place the canal under the exclusive control of the Government of the province, and for that purpose to provide for the purchase from the private stockholders in the undertaking of the stock by them held, amounting to 117,800*l.*, enacts that for effecting such purchase, the Receiver-General, with the authority of the Lieutenant-Governor, may issue debentures, redeemable in 20 years, bearing interest at 2 per cent. for the first two years, and increasing at the rate of 1 per cent. each year, to the maximum rate of 6 per cent. for the six and succeeding years, and to be chargeable upon, and payable out of the public revenues of the province. The Act further provides that on the contingency of the canal tolls, producing 30,000*l.* per annum, further debentures shall be granted to the stockholders for arrear interest, at the rate of 6 per cent., from the period at which their subscriptions were originally paid up to that of the issue of the before-mentioned debentures; that these arrangements shall not make it compulsory on any stockholder to transfer his stock, or deprive him if refusing to do so, of any claim he may have upon the tolls and revenues of the canal; and that upon two-thirds of the stockholders signifying their acceptance of the debentures, the existing regulations relating to the election of directors shall be annulled, and the concerns of the canal shall be managed by three directors, who may be appointed by the Lieutenant-Governor.

It does not appear to my Lords, that this proposed enactment would in any respect interfere with such lien as her Majesty's Government may have upon the tolls or property of the canal, in respect of the loan advanced from the funds of this country, towards defraying the expense of the work; but my Lords have no such information before them, with regard to the present state or prospective completion of the undertaking, and its probable utility, with reference to the altered state of the inland steam navigation in the Canadas, or of the circumstances that may have rendered the contemplated transfer of the whole direction and property of the work to the provincial government desirable, as enables them to form an opinion as to the expediency of subjecting the provincial revenue of Upper Canada to responsibility for the proposed debenture debt, and for the interest thereon, whatever may be the state of the canal, or the amount of the tolls, or any other receipts accruing from it.

My Lords consequently deem it necessary to cause Lord John Russell to be apprized, that in the absence of information upon the points above referred to, and adverting also to the financial difficulties of the province of Upper Canada, which have been brought under their cognizance, they are not at present prepared to recommend that the Act now in question should be submitted for Her Majesty's confirmation.

(No. 49.)

No. 30.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Honourable C. POULETT THOMSON.

SIR,

Downing Street, 9th December, 1839.

No. 30.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.

WITH reference to my despatch, No. 28, of the 28th October last, I have now the honour to convey to you the decision of Her Majesty's government on the Ordinance, No. 93, which was included in Schedule C. in that despatch.

This Ordinance for the regulation of the currency of the Province has been under the consideration of the Lords Commissioners of the Treasury, together with an Act passed for a similar object by the Council and Assembly of Upper Canada, and reserved by the legislature for the signification of Her Majesty's pleasure.

I enclose for your information and guidance an extract of a minute passed by their Lordships, on the 22d ultimo, stating that, for the reasons therein given, they could not advise the confirmation of these laws.

Having submitted this Report to The Queen, I am commanded by Her Majesty to instruct you to communicate it to the Special Council, as explanatory of the reasons why it will not be in Her Majesty's power to confirm this Ordinance, which has a suspending clause. This Report is likewise explanatory of the principles by which it is necessary that the legislation of the British North American Provinces, on the subject of currency, should be governed, in order to establish

Vide Enclosure in  
Lord John Russell's  
Despatch Dec. 6,  
1839, p. 26.



that uniformity which it is indispensable to maintain on matters of this kind, between the laws in force throughout the various members and dependencies of the British empire.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed)

J. RUSSELL.

No. 30.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.

(No. 50.)

No. 31.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Honourable C. POULETT THOMSON.

SIR,

Downing Street, 9th December, 1839.

WITH reference to my despatch of this day's date, respecting the Currency Acts of the two Provinces, I enclose for your information and guidance, another extract from the same Treasury minute to which reference is made in that despatch, but which I have preferred making the subject of a separate communication.

In this extract you will perceive that their Lordships suggest the expediency of adopting the same course with regard to the regulation of the currency as that pursued in the West India colonies, namely, by means of Orders in Council, and of proclamations to be issued by Her Majesty and yourself. I enclose for your information copies of those which were issued in the case of the West Indies, which you will lay before the Special Council, and if this course be approved, it will, as their Lordships state, only be necessary to consider whether any further legislative enactments will be required to protect Her Majesty's Canadian subjects from the fraudulent circulation of forged or counterfeit coins.

I need only add, that it is desirable to pursue a strictly uniform course in both Provinces.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed)

J. RUSSELL.

No. 31.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.

Extract Treasury Minute, 22nd November, 1839.

MY Lords at the same time deem it advisable to suggest for the consideration of Lord John Russell, whether the principal objects of the Ordinance, and the Act now in question, might not be more properly attained by the issue, as in the case of the West Indian Colonies, of proclamations by Her Majesty, fixing the comparative rates at which the doubloon, the dollar, the eagle of the United States, and any other coins usually circulating in the Canadian Provinces should pass current with reference to the British sovereigns or pound sterling; and likewise fixing, with reference to the value of the sovereigns, the Canadian currency, as indicated both by the Ordinance and by the Act, the currency rate at which, on the principles developed in the statement, that and other coins, both British and Foreign, should circulate and be a legal tender of payment. My Lords also apprehend that if this course were adopted, it would only be necessary for the local governments and legislative authorities to consider whether any further legislative enactments are required to protect Her Majesty's Canadian subjects from the fraudulent circulation of forged or counterfeit coins, or whether the existing laws may in this respect be sufficient.

Enclosure No. 1.

Enclosure 2.

AT THE COURT AT WINDSOR,—the 7th day of September, 1838;

Present,—The QUEEN'S Most Excellent Majesty in Council.

Enclosure No. 1.

Whereas by an order of His late Majesty King George IV., made with the advice of his Privy Council, and bearing date the 23d of March, 1825, after reciting amongst other things that it had been represented to His Majesty at the Council Board, by the Lords Commissioners of His Majesty's Treasury, that they had given directions that His Majesty's troops serving in the several British colonies and possessions abroad, should, in certain cases, be paid in British silver and copper money; and that with a view of securing the circulation of such money in those colonies, it would be expedient that an Order in Council should be issued, declaring that in all those colonies where the Spanish dollar was then either by law, fact, or practice, considered as a legal tender for the discharge of debts; or where the duties to the Government were rated or collected, or the individuals had a right to be paid in that description of coin, that a tender and payment of British silver money, to the amount of 4s. 4d., should be considered as equivalent to the tender or payment of one Spanish dollar, and so in proportion for any greater or less amount of debt; His said late Majesty was pleased to approve of what was proposed in the said representation.

No. 31.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
December 9, 1839.  
Enclosure No. 2.

And, whereas it is expedient that the said recited Order in Council should be revoked, so far as respects Her Majesty's colonies and possessions in America and the West Indies, be it therefore, and it is hereby ordered, by the Queen's Most Excellent Majesty, by and with the advice of Her Privy Council, that so far as respects Her Majesty's colonies and possessions in America, and in the West Indies, the said recited order shall be, and the same is hereby rescinded.

And the Right Honourable Lord Glenelg, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

(Signed) C. C. GREVILLE.

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Enclosure 3.

AT THE COURT AT WINDSOR,—the 14th day of September, 1838 ;

Present,—The QUEEN'S Most Excellent Majesty in Council.

Enclosure No. 3.

Whereas there was this day read at the board, the draft of a proclamation regulating the rate at which certain foreign coins are to pass current in Her Majesty's West India colonies : Her Majesty having taken the same into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to order, as it is hereby ordered, that the said proclamation do take effect and come into force, in each of Her Majesty's said colonies, upon, and from and after such day as shall be, for that purpose, limited by the Governor, or officer administering the Government of each of the said colonies respectively, by any proclamations to be by them respectively, for that purpose, issued in each of such respective colonies.

And the Right Honourable Lord Glenelg, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions for causing publication to be made hereof within Her Majesty's said colonies.

(Signed) C. C. GREVILLE.

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Enclosure 4.

BY THE QUEEN.—A PROCLAMATION.

Enclosure No. 4.

WHEREAS the Coin current in Our West India Colonies, including Our Province of British Guiana, consisting partly of the current Coin of the United Kingdom, and partly of Spanish, Mexican, and Columbian Gold Coin, called Doubloons, and of Spanish, Mexican, and Columbian Silver Coin, called Dollars; and it is expedient that the Rate at which the said Doubloons and Dollars shall circulate in Our said Colonies should be ascertained and fixed. Now therefore, We, by the Advice of our Privy Council, have thought fit to Declare and Ordain, and, by the Advice aforesaid, We do hereby Declare and Ordain, that throughout the whole of Our said Colonies the said Doubloon shall circulate and be received in payment as being of the full value of Sixty-four Shillings Sterling, current Money of the United Kingdom, and the said Dollar shall circulate and be received in payment as being of the full value of Four Shillings and Two pence Sterling, like current Money of the United Kingdom. And in all Payments to be made in any of Our said Colonies, tender of Payment in Doubloons and Dollars, or either of them, at the rate aforesaid, shall be deemed and taken to be a lawful Tender, in the same manner as if such Tender had been made in the current Coin of the United Kingdom.

Given at Our Court at Windsor, this Fourteenth Day of September, One Thousand Eight Hundred and Thirty-Eight, and in the Second Year of our Reign.

GOD SAVE THE QUEEN.

(No. 60.)

No. 32.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
POULETT THOMSON.

No. 32.  
Lord John Russell  
to the Right Hon. C.  
Poulett Thomson.  
January 6, 1840.

SIR,

Downing Street, 6th January, 1840.

I HAVE to acknowledge the receipt of your despatches Nos. 12, 13, and 14, of the 18th, 23d, and 25th of November, in which you detail the result of the deliberations of the special council of Lower Canada, at the meeting to which you had summoned them previously to your departure for Toronto: and also report your proceedings on your arrival in that city.

It has afforded me great satisfaction to receive the resolutions which were passed by the special council, on the subject of the re-union of the two provinces. I have had the honour to lay these resolutions before The Queen, who has been pleased to declare Her gracious approbation of them.



I am also gratified to learn that there exists between yourself and the Lieutenant-Governor of Upper Canada, that harmony which is so essential to the efficient discharge of the public service. The sentiments expressed to me by Sir George Arthur on this point, are in accordance with your own; and I cannot but anticipate a perfect unanimity between you in the transaction of the public business, during your personal administration of the affairs of the Upper Province.

I have perused the addresses which were presented to you on your arrival at Toronto, and I approve the answers which you returned to them.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 32.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
January 6, 1840.

No. 33.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
POULETT THOMSON.

SIR, Downing-street, 17th Jan. 1840.

I HAVE to acknowledge the receipt of your despatch No. 17, of the 6th of December, transmitting various addresses which had been presented to you at Toronto, together with copies of the answers which you had returned to them, and entirely approve the language of your answers.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 33.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
Jan. 17, 1840.

No. 34.

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
POULETT THOMSON.

SIR, Downing-street, 18th Jan. 1840.

I HAVE received and have laid before The Queen your despatch of 7th December, No. 18, enclosing a copy of the speech with which on the 3rd December you opened the Session of the Legislature of the Province of Upper Canada, and also enclosing copies of the addresses which you had received in answer to it from the Legislative Council, and from the House of Assembly.

I have received Her Majesty's commands to signify to you her entire approbation of the very judicious terms in which your speech on that occasion was framed. Her Majesty has observed with much gratification, that the two Houses have exhibited so cordial a disposition to concur with you in your efforts for promoting the welfare of Her Majesty's Canadian subjects.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 34.  
Lord John Russell to  
the Right Hon. C.  
Poulett Thomson.  
Jan. 18, 1840.

LOWER CANADA.

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From Sir John Colborne and the Right Hon. C. Poulett  
Thomson.

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## SCHEDULE.

### LOWER CANADA.

FROM SIR JOHN COLBORNE AND THE RIGHT HON. C. POULETT THOMSON.

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## From Lieut.-General Sir John Colborne, G.C.B.

(No. 13.)

No. 1.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORN  
G.C.B. to Lord GLENELG.

My Lord,

Government House, Montreal, 22nd Jan., 1839.

I HAVE the honour to transmit to your Lordship the proceedings of a court-martial held upon Charles Huot, of the parish of St. Cyprian, in the district of Montreal, notary public.

No. 1.  
Sir John Colborne to  
Lord Glenelg.  
22nd January, 1839.

This person was accused and convicted of having taken a prominent part in the insurrectionary movements at Napierville, where he discharged the duties of quarter-master to the rebel forces, under Dr. Nelson and Dr. Côte.

It appeared, however, from the evidence produced on his trial, that his conduct upon this occasion was in some degree to be attributed to compulsion. It was also shown that up to a late period he had borne the character of a loyal subject, so as to have incurred the odium of the rebel party on that account. These circumstances, supported by a consideration for his general unexceptionable conduct, induced the court-martial to accompany their sentence of death by a recommendation to mercy.

With this recommendation I have complied, and the prisoner now awaits the future disposal of Her Majesty's Government.

I have, &amp;c.

The Right Hon. Lord Glenelg,  
&c.      &c.      &c.

(Signed) J. COLBORNE.

(No. 14.)

No. 2.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE,  
G.C.B., to Lord GLENELG,

My Lord,

Government House, Montreal, 22nd Jan., 1839.

I HAVE the honour to forward, for the information of Her Majesty's Government, the proceedings of a court-martial held upon Pierre Theophile Decoigne, Achille Morin, Pierre Hector Morin, Guillaume Levesque, Joseph Jacques Hebot, Hubert Drossin Leblanc, David Drossin Leblanc, François Trepannier, jun., Joseph Paré, Louis Lemelin, and Jean Baptiste Dozois, sen., on charges of High Treason and Rebellion.

No. 2.  
Sir John Colborne to  
Lord Glenelg.  
22nd January, 1839.

Pierre Theophile Decoigne, Achille Morin, Pierre Hector Morin, Guillaume Levesque, Joseph Jacques Hebot, Hubert Drossin Leblanc, David Drossin Leblanc, François Trepannier, and Joseph Paré, were found guilty, and sentenced to death; and Louis Lemelin and Jean Baptiste Dozois, sen., were acquitted of the charges preferred against them.

The Court, however, considering the extreme youth and other extenuating circumstances attendant on the cases of Guillaume Levesque and François Trepannier, jun., recommended that the sentenced pronounced against them should be commuted. The connexion of the young man, Guillaume Levesque, with Canadian families of great respectability and known loyalty, was an additional reason for assenting to the recommendation of the Court in his favour.

The case of Pierre Theophile Decoigne, however, was one that demanded example. This offender had been an influential notary, resident at Napierville. He and his brothers had taken a most active part in organizing the revolt, both of this year and in 1837. One of them, having absconded from justice, is now a refugee in the United States. No extenuating circumstances of ignorance or delusion could palliate his guilt.

By the advice, therefore, of Her Majesty's Executive Council of this province, the sentence pronounced upon Pierre Theophile Decoigne was confirmed, and has been carried into effect on Friday, the 18th instant.

I have, &amp;c.

The Right Hon. Lord Glenelg,  
&c.      &c.      &c.

(Signed) J. COLBORNE.

(No. 15.)

No. 3.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE,  
G.C.B., to Lord GLENELG.

My Lord,

Government House, Montreal, 22nd Jan., 1839.

No. 3.  
Sir John Colborne to  
Lord Glenelg.  
22nd January, 1839.

THE accompanying proceedings will apprise your Lordship of the result of a court-martial held upon Joseph Robert, Ambroise Sanguinet, Charles Sanguinet, François Xavier Hamelin, Theophile Robert, Jacques Lonctin, Pascal Pinsonneau, Jacques Robert, and Joseph Lonctin, upon chages of High Treason and Murder.

Joseph Robert, Ambroise Sanguinet, Charles Sanguinet, and François Xavier Hamelin, were found guilty of the aggravated offence. Theophile Robert was convicted of both charges, but under circumstances which admitted of mitigation. The crime of High Treason was proven against Jacques Lonctin and Pascal Pinsonneau, and Jacques Robert and Joseph Lonctin were acquitted.

Report of Executive  
Council.

14th January, 1839.

The atrocities perpetrated by these men, both previously and subsequently to the murder of Mr. Walker, which your Lordship will learn from a perusal of the evidence adduced at the trial, left no doubt on the minds of Her Majesty's Executive Council that the sentence of the court-martial on Joseph Robert, Ambroise Sanguinet, Charles Sanguinet, and François Xavier Hamelin, should be carried into effect.

They were executed accordingly on Friday, the 18th instant.

I have, &amp;c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) J. COLBORNE.

Enclosure in No. 3.

Friday, 14th January, 1839.

At the Council Chamber in the Government House, Montreal:

PRESENT—His Excellency Lieutenant-General Sir John Colborne, G.C.B., G.C.H.,  
Administrator of the Government, &c. &c. &c.

Enclosure in No. 3.

The Board having attentively perused and maturely considered in committee the proceedings of the general court-martial held on Guillaume Levesque and others, accused of high treason, and also the proceedings of the general court-martial held on Joseph Robert, Jacques Robert, Ambrosia Sanguinet, Charles Sanguinet, Pascal Pinsonneau, François Xavier Hamelin, otherwise called Petit Hamelin, Theophile Robert, Joseph Lonctin, and Jacques Lonctin, accused of high treason and murder, together with the opinions of the Attorney-General thereon, and having also, in the performance of the painful duty committed to them, taken into their consideration the circumstances attending the recent removal of the rebellion which broke out in the last year, the continued disturbed state of the country, and the necessity of making examples of some of the convicted rebels in order to undeceive the misguided, and to deter others from the commission of crimes so fatal to themselves and so detrimental to the tranquillity and happiness of Her Majesty's loyal subjects in this province; the Board advised his Excellency, and it was therefore ordered, that the sentence of death pronounced by the general courts-martial should be carried into execution on Pierre Theophile Decoigne, Joseph Robert, Ambrosia Sanguinet, Charles Sanguinet, and François Xavier Hamelin.

(Certified.)

G. H. RYLAND.

(No. 24.)

No. 4.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord GLENELG.

My Lord,

Government House, Montreal, 31st Jan., 1839.

No. 4.  
Sir John Colborne to  
Lord Glenelg.  
31st January, 1839.

I BEG leave to state to your Lordship that I am persuaded that the most important remedial measures required in the present situation of the country are those which would tend to the reconstruction and enlargement of the judicature; to the establishment of registry offices; to the commutation or abolition of the *Lods et Ventes*, particularly in towns, and the other oppressive incidents of the feudal tenure; to the continuation and completion of local improvements; and o the introduction of a well-regulated system of district police.

With returning tranquillity it is justly expected that the measures to which I advert will be speedily carried into effect, preparatory to the changes of a more difficult nature which may be proposed for the permanent government of this province. Lord Durham, I am aware, appointed commissioners to report upon several of the subjects in question, and had, I believe, framed ordinances for the



consideration of Her Majesty's Government to authorize a commutation of the *Lods et Ventes* in Montreal, and the establishment of registry offices; but I imagine that the reforms which he was desirous of introducing were not finally determined on, and I have, therefore, requested the Executive Council to collect such information as will enable me either to promote the views of my predecessor, or to propose measures for reconstructing the court of appeal and the judicature of the province, if the alterations which may be suggested can be effected through the legislative power granted to the Special Council.

The police duties, which have hitherto been imposed upon the militia of the country, were generally performed with the supineness and uncertainty natural to men who are compelled to discharge an irksome duty without compensation; and in many instances avoided or counteracted by the intrigues of the influential persons opposed to the Government. In these times of excitement the continuation of such a system would be useless, and even dangerous, in confirmation of which I need only mention that so entirely has the local government been deprived of influence in any of the country parishes, or of means of communication with the people, that during the months of July and August last arms and ammunition were transported frequently through different parts of the province, and safely deposited, preparatory to the projected revolt, which many thousands of the inhabitants at the same period were sworn to support; and that no official information of these alarming proceedings was conveyed to the Government. The necessity of making arrangements for establishing an efficient district police is obvious; but, independent of the advantages to be derived from increased confidential sources of information, and additional security to the inhabitants, which the measure may afford, it would greatly conduce to the protection and improvement of the provincial revenue. Most of the measures to which I have thought it right to draw your Lordship's attention as being of a character to demand the prompt interposition of Her Majesty's Government, or of the Special Council, might, if found to be practically beneficial, be subsequently embodied in an Imperial Act, providing for the future government of the province. I have no doubt that they are immediately required to impress a conviction of the efficacy of the law in parts of this province, where justice has been hitherto imperfectly administered, to repair in some degree the evils under which the loyal inhabitants have long laboured, and to relieve all classes from burdens which they have reluctantly borne, and to deprive the disaffected of that influence which acknowledged grievances, speciously exaggerated, have unhappily obtained for them.

The alarm created by the Canadian refugees has nearly subsided on both sides of the frontier line, and I have reason to believe that the inhabitants of the United States bordering on this frontier are not inclined to encourage a renewal of the outrages which have been committed by the brigands; but I am convinced that the imposing force concentrated in this district, can alone secure this province from being exposed to the incursions or hostile interference, of a portion of the American population.

I have, &c.

(Signed) J. COLBORNE.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(No. 28.)

No. 5.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord GLENELG.

My Lord, Government House, Montreal, 19th Feb., 1839.

I HAVE the honour to transmit to your Lordship copies of my correspondence with the Governor of the State of Vermont, in reference to another outrage perpetrated by the brigands and refugees on this frontier.

It appears, from the accompanying report, that the persons concerned in burning the House of Vosburg, in the seigniory of Foucault, were chiefly Lower Canadians. The Governor of Vermont, however, having informed me, in reply to my requisition for the apprehension of these incendiaries, that the general government of the United States only are competent to decide how far it may be expedient to deliver the offenders to the Canadian authorities. I have requested the British minister at Washington to bring this important matter before the American Government, and I trust that effectual measures will be adopted to arrest the brigands who have committed the outrage, and to prevent a repetition of such atrocious conduct.

No. 4.  
Sir John Colborne to  
Lord Glenelg.  
31st January, 1839.

No. 5.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.

No. 5.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.  
Enclosure 1 in No. 5.

The vigilant exertion of the volunteers on the frontier may for some time afford protection to the inhabitants near the frontier line; but if the United States Government, or the adjoining States, are not able to prevent the inroads and aggressions with which the province is menaced, a band of outlaws may interrupt the cultivation of great part of the frontier counties.

I have, &c.

(Signed)

J. COLBORNE.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Copy.)

Enclosure 1 in No. 5.

Sir,

Government House, Montreal, 4th Feb. 1839.

Enclosure 1 in No. 5.  
3rd February, 1839.

IN transmitting to you the accompanying Report and deposition of the continuation of the enormities which have been perpetrated by American citizens and British subjects residing in the frontier towns of the State of Vermont, I hasten to represent to you, that if these incendiaries are permitted to range with impunity freely along the Canadian frontier, the most serious evils will be the result of their atrocious course. With reference to the letter which you did me the honour to forward to me on the 10th ultimo, it is my duty to call on you to cause the immediate arrest of the offenders against whom information has been lodged and transmitted to you; but if you cannot constitutionally comply with my requisition to deliver them up to the authorities of Lower Canada, I request you will have the goodness to communicate officially to Captain Lewis, the bearer of this letter, how far the felonious proceedings of the incendiaries can be checked by the laws of the State of Vermont, and on his receiving this document from you Captain Lewis will proceed to Washington, to demand the interposition of the General Government of the United States through the British Minister; and I trust that active and prompt measures will be adopted to prevent the border warfare with which the two countries are threatened.

I have &c.

(Signed)

J. COLBORNE.

P.S.—I beg to add, that further depositions relative to this outrage will be forwarded to you as soon as they can be produced.

His Excellency J. H. Jenison,  
Governor of the State of Vermont.

Enclosure 2, in No. 5.

Sir,

Shoreham, Vermont, 6th Feb. 1839.

Enclosure 2 in No. 5.

I HAD the honour on the 10th January, to acknowledge the receipt of a communication from your Excellency claiming the delivery to the provincial authorities of James Grogan the younger, and others, charged with the commission of the crime of Arson within the province of Canada.

I then stated that our constitution and laws were silent in regard to the power necessary to comply with your request, that I was not aware of the existence of any precedent in this State, and suggested that the subject should receive such investigation as its importance seemed to demand, and that you should be apprised of the result.

The demand and delivery of fugitives from justice, whether it be matter of *favour* or of *right*, appears to the undersigned clearly a national concern; it implies the exercise of a high act of sovereignty, the use of which, in the absence of any provision in the constitution and laws cannot be justified in the government of a State. The structure of our Government gives that officer no jurisdiction over our intercourse with foreign nations; that power appertaining exclusively to the President of the United States.

Persuaded that I have no authority to interfere in this matter and that our laws give no power to enforce any order I might make in the premises, if you desire it, I will transmit the documents placed in my hands to the President of the United States, when the subject may become matter of negotiation between the two Governments,

With great respect, I have, &c.

(Signed)

S. H. JENISON.

His Excellency Sir John Colborne,  
&c. &c. &c.

(Copy.)

Enclosure 3, in No. 5.

Sir,

Shoreham, Vermont, 7th February, 1839.

Enclosure 3 in No. 5.

I HAVE the honour to acknowledge the receipt, by Captain Lewis, of your communication of the 14th instant, informing me that an outrage had been committed by American citizens and British subjects upon the person and property of a Mr. Vosburgh, a citizen of the province.

The accompanying communication which I had prepared and sent to the Post Office, to be forwarded to your Excellency by this day's mail, will inform you, that I do not feel authorised to interfere in this matter.



Learning that Captain Lewis is charged with Despatches to Washington, I shall take the liberty to forward the documents in my hands to the President by to-morrow's mail, presuming that it would be your wish that they should be placed in his possession.

I have, &c.,

(Signed)

S. H. JENISON,  
Governor of Vermont.

No. 5.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.  
Enclosure 3 in No. 6.

His Excellency Sir John Colborne,  
&c. &c. &c.

No. 6.

(No. 29.)

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G. C. B.,  
to Lord GLENELG.

Government House, Montreal,  
19th February, 1839.

My Lord,

I HAVE the honour to communicate to your Lordship the proceedings and result of three several courts-martial, held since my report of the 22nd ult., No. 15, upon prisoners accused of treasonable and other offences committed during the late rebellion in this province.

No. 6.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.

Before the first court-martial, to which I now refer, convened on the 14th ult., Jean Baptiste Henri Brien, Ignace Chevretils, Joseph Dumouchelle, Louis Dumouchelle, Jacques Goyette, Toussaint Rochon, François Xavier Prieur, Joseph Wattier dit Lauvie, Chevalier de Lorimier, Jean Laberge, and François Xavier Touchette, were brought to trial on charges of High Treason.

The overt acts proved against these men were—the assembling in arms with the avowed intention of subverting her Majesty's Government, the attack upon the Seignior-house at Beauharnois, when Messrs. Ellice, Brown, and their families were taken prisoners; and the seizure of the steam-boat "Henry Brougham," and imprisonment of ten passengers.

After a long and patient investigation, these men were all found guilty of the charges preferred against them, and received sentence of death.

Before the second court-martial, held on the 20th ult., one Charles Hindelang was arraigned on charges of aiding and assisting in the late rebellion, of raising war against her Majesty's government, and of abetting in the murder of Charles M<sup>r</sup> Allister, late a captain in the Odelltown Volunteers.

After a most impartial trial, during which every facility of defence was afforded to the accused, he was convicted of the accusation brought against him, and sentenced to undergo the extreme penalty of the law.

Before the third court-martial, assembled on the 25th ult., Pierre Remi Narbonne, Amable Daunais, Constant Bousquet, Pierre Lavoie, Antoine Doré, Antoine Coupal dit Lareine, Theodore Bechard, François Camyré, François Bigonessé dit Beaucaire, Joseph Marceau dit Petit Jacques, and François Nicolas, were accused of High Treason, as having been organized, arrayed, and actively engaged in the design of subverting her Majesty's government, at the village of Napierville, between the third and tenth days of November last.

The charges laid against all these men have been conclusively established, with the exception of Doré, who was acquitted, and they were accordingly sentenced to death. Circumstances, however, of an extenuating nature induced the court to recommend Lavoie, Coupal dit Lareine, and Camyré to the merciful consideration of the Crown.

The cases of all these men were submitted to her Majesty's Executive Council of this province, and received the most anxious and minute re-consideration.

Upon a perusal of the proceedings of the court-martial, your Lordship will see, that no doubt could possibly exist as to the aggravated criminality of any of these men. It only remained, therefore, for the vindication of public justice, to select those whose noxious influence, virulent activity and general dangerous character had rendered them fit examples to a community, hitherto, unhappily, but too ignorant of the authority and power of the law.

The earnest and painful deliberations of the Executive Council terminated in leaving Chevalier de Lorimier, Toussaint Rochon, Charles Hindelang, François Nicolas Pierre Remi Narbonne, and Amable Daunais for execution, which was carried into effect, on Friday, the 15th inst. with the exception of Rochon, who

No. 6.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.

being a habitant of non-influence, I did not consider it necessary that he should suffer the extreme penalty of the law.

Chevalier de Lorimier was a notary of Montreal, a man of education and intelligence, whose standing in society invested him with an influence which he had long and systematically abused in exciting the passions of his ignorant and credulous fellow-countrymen. At Beauharnois his activity was conspicuous; he was continually consulted and obeyed as a leader of importance, who had left Montreal for the purpose of directing the revolt; and when it is remembered that this man was one of the most dangerous leaders in the rebellion of 1837—that having exposed his guilty followers to destruction at the village of Eustache, he fled during the action, and escaped into the United States—that having been, by the general amnesty, again restored to his country, he re-visited the United States again to conspire against the peace of this province, to which he returned only a few days previous to the late revolt,—no doubt can be entertained of the inveteracy of his principles, or the necessity of his example.

Charles Hindelang was a Frenchman by birth, a native of Paris, and one of those unquiet spirits who, unfit for any steady occupation, are ready for any enterprise, however unprincipled, which may promote their own interests. It was most important to warn similar adventurers of the inevitable consequence of their criminal participation in designs upon the future peace and tranquillity of this province.

Pierre Remi Narbonne was a bailiff of the court of King's Bench, resident in the parish of L'Acadie. This class of men command a peculiar influence among the lower orders of the Canadian peasantry. Possessed of some education, and a certain degree of intelligence to enable them to fill that office, a knowledge of the undue severity, or partial leniency which they can exhibit in the discharge of their duties, overawes and compels those who have reason to dread the effects of their caprice. Narbonne was an active and violent partizan, whose influence was acknowledged and obeyed. In the rebellion of 1837 he had been very conspicuous, he had been arrested, confined in gaol, and had profited by the general amnesty. He was shown to have been armed at Napierville, where he held the rank of captain in the rebel forces. François Nicolas and Amable Daunais were both notoriously bad and dangerous characters. The former had been styled "major" by the rebels at Napierville, and is proved to have menaced the lives of those who endeavoured to recede from the rebel party. The latter had displayed the most reckless and unhesitating activity, in executing the commands of the rebel leaders in the same place. The treason in both cases was unequivocally brought home to the prisoners; and it should be remembered that Nicolas was the principal, and Daunais the second only in guilt of those who wantonly murdered the unfortunate Chartrand in 1837, on account of his loyalty, and who were subsequently acquitted, in defiance of the most incontrovertible evidence.

The examples which have been thus far made for the vindication of the outraged laws could not have been avoided without danger to the province. They appear to me also to have been sufficient for this purpose.

The proceedings in all these cases have been accompanied by every formality, and by that grave and solemn deliberation which must impress on the deluded Canadian peasantry the conviction that the object of her Majesty's government has not been so much to punish as to warn. In the belief, therefore, that this grand object has been attained, it is not my intention that the extreme sentences of the law should be carried into effect in any other cases of High Treason. It should be observed that of the instances in which the sentence of death pronounced by the court-martial have been carried into effect, only five of the convicts were tried on the charge of High Treason unconnected with murder; and that those five—the cases of Cardinal, Duquette, Decoigne, De Lorimier, and Narbonne were of an aggravated character: of the remaining seven, the two Sanguinets, Hamelin, and Robert were convicted of the murder of Mr. Walker. Nicolas and Daunais had perpetrated the murder of Chartrand, and the crime of Hindelang involved the death of Captain M'Allister.

I avail myself of this opportunity to convey to your Lordship a concise statement of the present condition of the gaol of this district, and of the prisoners who have been or still remain confined in the prisons of this province on political charges. Shortly after the suppression of the revolt in this district, 802 prisoners were committed to the gaol of Montreal, the greater portion of which had been actually engaged in the insurrection; the remainder had been arrested either on distinct



accusation of treason, or on suspicion of treasonable practices : of this number 560 have been examined ; and, as it is hoped their incarceration will have proved a sufficient punishment, have since been unconditionally released. Seventy have been released on bail for their future appearance and good behaviour. Of those tried and sentenced to death forty-three will remain for transportation, for which I cannot but feel anxious to impress on her Majesty's government the necessity of making immediate and sufficient preparation at the opening of the navigation.

It may be advisable to banish a few of the least culpable from the province. Of the remainder, eighty-six will be tried, some of whom will receive the final sentence of transportation, while others may be considered sufficiently punished by a more protracted imprisonment, and may be gradually released under such precautions as each individual case requires.

In the district of Quebec, sixteen individuals have been arrested since the month of November on charges of a treasonable nature ; of this number, six have been released on bail for their future appearance and good behaviour, and ten remain for trial or bail according to the circumstances which may appear on their examination.

In the district of Three Rivers, two persons have been arrested on similar charges, of whom one has been enlarged on bail while the other awaits further proceedings.

In the district of St. Francis there are thirteen persons in confinement charged with political offences.

The accompanying reports of the proceedings of the courts-martial and other documents enclosed will convey to your Lordship more ample information on the subject to which I have referred.

Copies of the Minutes of the Executive Council are annexed.

I have, &c.

(Signed) J. COLBORNE.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

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Enclosure in No. 6.

REPORT of the EXECUTIVE COUNCIL.

At the Council Chamber in the Government House at Montreal, 11th February, 1839

Present,

His Excellency Lieut.-General Sir JOHN COLBORNE, G.C.B., G.C.H., Enclosure in No. 6.  
Governor-General, &c. &c. &c.,  
The Honourable Mr. STEWART,  
Mr. HENRY,  
Mr. PEMBERTON,  
Mr. SHEPPARD,  
Mr. DALY,  
The COMMISSARY-GENERAL,  
Mr. POTHIER,  
Mr. M'GILL, and  
Mr. DEKOCHEBLAVE.

HIS Excellency laid before the board the proceedings and sentence of three Courts-Martial on sundry individuals accused of high treason, and his Excellency having intimated to the board that, in consequence of the information relative to the insurrection which had been obtained from the prisoner J. B. H. Brien, a promise of a commutation of the sentence of death had been made to him. The opinions of the several members of the Council were then separately taken, whether the sentence of death, recorded by the Courts-Martial, should be carried into execution upon all or any of the other prisoners ; whereupon it was ordered by his Excellency, with the advice of the board, that the sentence of death be carried into execution on the prisoners C. De Lorimier, T. Rochon, C. Hinderlang, Francis Nicholas Pierre, R. Narbonne. and Amable Daunnaïs.

(Certified) G. H. RYLAND.

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No. 6.  
Sir John Colborne to  
Lord Glenelg.  
19th February, 1839.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.

(No. 55.)

No. 7.

COPY of a DESPATCH from Lieutenant-General SIR JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 13th April, 1839.

THE Special Council of the province having been adjourned after a long and useful session, I have now the honour to transmit to your Lordship printed copies of the ordinances which have been passed since the 14th February, with a summary of the objects intended to be secured by their introduction.

Several of the ordinances contain conditional clauses in respect to the sanction of Her Majesty's Government being required before they can go into operation. Certified copies of two ordinances, entitled, "An Ordinance to suspend in part certain Acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature," and "An Ordinance to remove certain doubts as to the extension of the benefit of the warehousing system established by a certain Act of the Imperial Parliament, passed in the third and fourth years of his late Majesty's reign, to duties imposed by Provincial Acts," will be transmitted separately. Copies of them have been forwarded to Toronto for the concurrence of the legislature of Upper Canada, in conformity to an Imperial Act.

The ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice, to confirm their title, and to provide for the general extinction of seigniorial rights and dues, within their fiefs and seigniories, I trust will be sanctioned by Her Majesty's Government as soon as possible, and be authorized by an Imperial Act, to be continued in force till repealed or revoked by competent legislative authority in the province. The provisions of this ordinance appear to give satisfaction generally to the inhabitants of Montreal, and also to the superior and ecclesiastics of the seminary, but certainly demand the confirmation of the Imperial Parliament, with reference to the extensive interests which would be affected by any doubt as to the permanency of the arrangements proposed.

I have, &amp;c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

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Enclosure 1 in No. 7.

Enclosure No. 1.

MEMORANDUM of the ORDINANCES of the SPECIAL COUNCIL for the AFFAIRS of LOWER CANADA.  
Session 1839.

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No. 48.

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CAP. 1.

An ordinance to suspend for a limited time part of certain Acts of the Legislature of this province therein mentioned, and for other purposes.

The object of this ordinance was to suspend the session of the Court of King's Bench, district of Montreal, for criminal offences during the term of February last only, and to obviate the inconvenience, apparent inconsistency, and possible collision, which might arise from the simultaneous session of that tribunal and the courts-martial.

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No. 49.

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CAP. 2.

An ordinance to authorize the Assistant Judge of the district of Three Rivers to sit and act in the Court of King's Bench for the district of St. Francis, in this province, and to explain a certain Act therein mentioned, and for other purposes.

The object of this ordinance is sufficiently explained by its title.

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No. 50.

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CAP. 3.

An ordinance to extend the provisions of a certain Act of the Legislature of this province therein mentioned.

This ordinance extends to persons sentenced to death by courts-martial, and subsequently pardoned conditionally, the provisions of an



No. 51.

CAP. 4.

An ordinance to facilitate the manner in which registers of baptisms, marriages, and burials shall in future be numbered and authenticated in the province of Lower Canada.

Act 6th Will. IV., which regulates the transportation of ordinary offenders.

The second section of this ordinance defines an alteration in the system of keeping these registers, which will greatly simplify and facilitate the former process.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.

13th April, 1839.

Enclosure No. 1.

No. 52.

CAP. 5.

An ordinance to prevent the fraudulent manufacture, importation, or circulation of spurious copper and brass coin.

This ordinance is intended to establish a standard for the copper currency of the province, and to suppress a nefarious traffic in spurious coin which has been long and grievously felt by all classes of the community.

No. 53.

CAP. 6.

An ordinance to incorporate the Canada Marine Insurance Company.

This ordinance is sufficiently explained by its title.

No. 54.

CAP. 7.

An ordinance to amend the Act passed in the thirty-sixth year of the reign of King George the Third, chapter 9, commonly called the Road Act.

This ordinance provides more effectually for the maintenance and administration of the roads in the country parts of the province.

No. 55.

CAP. 8.

An ordinance to suspend for a limited time certain parts of two ordinances therein mentioned, as far as the same relate to the city of Montreal, and to establish a society therein for preventing accidents by fire.

The inadequacy of the two ordinances referred to for the prevention of such accidents being notorious, and the inefficiency of the office of overseer appointed under them universally admitted, this ordinance invests a "fire Society" constituted by it with all the power and authorities of such overseer, providing a retiring pension for the present incumbent.

No. 56.

CAP. 9.

An ordinance to repeal so much of an Act of the Parliament of Great Britain of the twenty-fifth year of the reign of his late Majesty George the Second as directs the period of the execution of persons convicted of the crime of murder, and for other purposes.

The principal object of this ordinance, as declared in it, is to preserve from precipitate and irrevocable punishment any persons who may be hereafter convicted on erroneous or perjured evidence—to give the judges a discretionary power in appointing the time of execution, and to abolish the practice of anatomizing murderers, and the obsolete penalty of hanging in chains.

No. 57.

CAP. 10.

An ordinance to suspend certain Acts therein mentioned, and to regulate in a better manner the packing and inspection of flour and Indian meal.

This ordinance introduces such a system of examination and inspection as, it is hoped, will effectually secure the exportation of these articles of a quality corresponding with the brands marked upon the barrels; protecting thereby the exporting trade, and the object of the purchaser.

No. 58.

CAP. 11.

An ordinance to secure to and confer upon Alfred Ramban, an inhabitant of this province, the civil and political rights of a natural-born British subject.

This ordinance explains itself. Not to have effect until sanctioned by Her Majesty.

No. 59.

CAP. 12.

An ordinance to secure to and confer upon Henri Valotte, an inhabitant of this province, the civil and political rights of a natural-born British subject.

This ordinance explains itself. Not to have effect until sanctioned by Her Majesty.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.  
Enclosure No 1.

## No. 60.

## CAP. 13.

An ordinance for the better regulation of ferrymen and others, conveying persons for hire across the rivers and waters of this province.

## No. 61.

## CAP. 14.

An ordinance to amend a certain Act therein mentioned, and to provide for the better regulation of taverns and tavern-keepers.

## No. 62.

## CAP. 15.

An ordinance to regulate the curing, packing, and inspection of beef and pork intended for exportation.

## No. 63.

## CAP. 16.

An ordinance to amend a certain Act therein mentioned, and for the more effectual punishment of such persons as shall seduce soldiers to desert.

## No. 64.

## CAP. 17.

An ordinance to extend certain privileges therein mentioned to the ministers of the Methodist new connexion, and the congregation under their care.

## No. 65.

## CAP. 18.

An ordinance for establishing regulations respecting aliens coming into this province, or residing therein.

## No. 66.

## CAP. 19.

An ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the city of Montreal.

## No. 67.

## CAP. 20.

An ordinance for the better information of the government of the province, and the public, concerning prosecutions brought before justices of the peace.

## No. 68.

## CAP. 21.

An ordinance for vesting all the estates and

This ordinance prohibits all persons from acting as ferrymen, unless authorized by a licence under the hand of the Governor. It is important to prevent collisions between ferrymen, as a measure of police, and as a protection for the security of the public.

This ordinance prescribes the description of recommendation and certificate required previously to the granting of a licence to keep such house of public entertainment, and authorizes the Governor, in the case of any contravention of this ordinance, to take away such licence. As the taverns of the province are known to have been as much the haunts of disaffection as of vice, the restrictions and regulations imposed by this ordinance are highly desirable.

This ordinance introduces such regulations as are expected to protect the trade in beef and pork, by supporting the good reputation of these articles of export in foreign markets.

The inducements which have been latterly held out to soldiers to desert by designing men, who have been encouraged by the difficulties attendant on a formal conviction under the 1st Geo. II., rendered an ordinance of this nature indispensable. It provides for the summary conviction of offenders before three justices of the peace, the imposition of a fine correspondent to that exacted by the Act, with the imprisonment of the party until payment of penalty.

The Methodist new connexion, being a sect of Methodists of comparatively recent introduction into this province, had not been included in any former legislative enactments conferring the privilege of keeping registers of baptisms, marriages, and burials, on the ministers of Dissenting congregations. By this ordinance they are placed upon the same footing.

The object of this ordinance is to bring under the immediate notice of the Government the names, pursuits, and objects of all foreigners entering or residing in the province. As a measure of police it will go far to counteract the sinister designs of all future political emissaries.

This ordinance suspends those Acts which confer an exclusive jurisdiction over the St. Lawrence to the Trinity House of Quebec, and incorporates the Trinity House of Montreal, which had become extinct by the expiring of the Act which had called it into existence.

Hitherto the magistrates of the province have been in no way regularly accountable for the amount of fines levied by them under summary prosecution. This ordinance compels them to make regular returns of such penalties, when levied, in a certain specified form and manner.

This ordinance, for the greater convenience



property in the province of Lower Canada occupied by the ordnance service in the principal officer of Her Majesty's Ordnance, and for granting certain powers to the said principal officer, and for other purposes therein mentioned.

No. 69.

CAP. 22.

An ordinance to revive a certain Act therein mentioned, and make better provision with regard to the inspection of pot and pearl ashes.

No. 70.

CAP. 23.

An ordinance to abolish the practice of permitting defendants to traverse indictments for misdemeanors before Courts of Oyer and Terminer in this province.

No. 71.

CAP. 24.

An ordinance to prolong the term of the royal charter incorporating the Quebec Bank, and to make further provision for the government and management of the said bank.

No. 72.

CAP. 25.

An ordinance to suspend in part certain Acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature.

No. 73.

CAP. 26.

An ordinance to suspend an Act passed in the tenth and eleventh years of the reign of his late Majesty George the Fourth, intituled "An Act for the relief of certain religious congregations therein mentioned, and to make other legislative provisions in the place thereof."

No. 74.

CAP. 27.

An ordinance to provide for the more speedy attainder of persons indicted for high treason who have fled from the province, or remain concealed therein to escape from justice.

No. 75.

CAP. 28.

An ordinance to exempt certain articles from seizure in satisfaction of debts.

No. 76.

CAP. 29.

An ordinance concerning the erection of parishes, and the building of churches, parsonage-houses, and churchyards.

in managing the estates and property therein mentioned, invests the same in the principal officer of Her Majesty's Ordnance, to be held in trust for Her Majesty, Her heirs and successors.

This ordinance revives the Provincial Act 9 Geo. IV. cap. 36, with the exception of one section, and reduces the amount of fee payable under that Act to the inspector.

This ordinance remedies a practice which, in a country where such long intervals occur between the sessions of the courts referred to, has proved very mischievous. The delay obtained by the traverser almost invariably assures him impunity; the prosecutor or the witnesses are bought off or tired out, and the ends of justice defeated.

This ordinance confirms the royal charter, increases the capital of the bank from 75,000*l.* to 150,000*l.*, and provides various rules and restrictions for the internal administration of the corporation.

A most useful ordinance, consolidating all preceding fiscal enactments, and suspending the same during the existence of the present Legislature only.

The former enactment of the Provincial Legislature having been found to be inadequate to its intended object, the present ordinance has been passed to remedy the defect, and to invest all religious societies in the province with the right of acquiring and holding in mortmain such land as may be necessary for the site or sites of all churches, chapels, meeting-houses, burial-grounds, and dwellings for ministers.

This ordinance provides that, if an indictment shall be found by the grand jury for high treason, misprision of high treason, or treasonable practices against any person who shall not be forthcoming to answer the same, he shall be summoned to appear and take his trial within three months, failing which he shall be held to be attainted of the crime charged against him, and shall suffer and forfeit accordingly.

This ordinance very humanely protects poor debtors from the seizure of certain indispensable articles of household furniture and ordinary necessity.

Great disputes and difficulties having arisen respecting the selection of sites for the erection of such Catholic churches as the increase of the Catholic population frequently requires, this ordinance has been passed, with the acquiescence of the Catholic clergy, appointing

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1830.  
Enclosure No. 1.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.  
Enclosure No. 1.

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No. 77.

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CAP. 30.

An ordinance to suspend for a limited time certain parts of two ordinances therein mentioned, as far as the same relate to the city of Quebec, and to establish a society therein for preventing accidents by fire.

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No. 78.

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CAP. 31.

An ordinance to continue for a limited time a certain ordinance relative to persons charged with high treason, misprision of high treason, and treasonable practices.

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No. 79.

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CAP. 32.

An ordinance to provide for the subsistence of volunteers and militia-men who have been or may be wounded, and for that of the families of those who may have been or may be killed, in certain cases hitherto unprovided for.

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No. 80.

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CAP. 33.

An ordinance to repeal a certain Act therein mentioned, relative to a certain market-place at Pres de Ville, in the city of Montreal.

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No. 81.

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CAP. 34.

An ordinance to provide for the improvement, during the winter season, of the principal post-roads from various parts of the province to Montreal, and for other purposes.

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No. 82.

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CAP. 35.

An ordinance to extend the provisions of the ordinance therein mentioned to the losses sustained by certain loyal inhabitants of this province during the rebellion which has occurred since the passing of the said ordinance.

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No. 83.

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CAP. 36.

An ordinance concerning bankrupts, and the administration and distribution of their estates and effects.

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No. 84.

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CAP. 37.

An ordinance to change the place of the registry-office for the county of Stanstead.

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No. 85.

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CAP. 38.

An ordinance for erecting a court-house, with proper offices, at Sherbrooke, in the district of St. Francis, and for defraying the expense thereof.

commissioners and prescribing such regulations as will, it is hoped, effectually remove the existing impediments to the advancement of these beneficial objects.

This ordinance establishes a fire-society in lieu of the old system of overseers, which has been found to be altogether faulty and inefficient. Pensions provided for the two present incumbents of the office of overseer out of the funds arising from the ordinance.

This ordinance continues the suspension of the Habeas Corpus Act until the 1st of January next. The present unsettled and uncertain state of the province, and past experience, prove the necessity of fortifying the hands of the Government by the further suspension of this Act.

This ordinance is but an act of justice towards those for whose relief and encouragement it is intended. It provides moderate pensions for the wounded, and gratuities for the families of those who fell, and is an extension to the volunteers of a provincial statute regarding the militia.

Messrs. La Rocque, Quesnel, and Laframboise, having erected at their own expense, by virtue of an Act 9 Geo. IV. cap. 39, a market-place, which was subsequently found to be useless and irremunerative, this ordinance repeals that Act, and reinstates those gentlemen in the possession of their property.

This ordinance is intended to remedy the irregularities occasioned on the surface of the winter roads of this province, by prescribing a certain construction for sleighs.

This ordinance extends the investigations of the Commission of Inquiry to the losses sustained by the loyal inhabitants during the late revolt, with a view to their future indemnification.

The want of a sufficient bankrupt-law has long been a subject of serious complaint, and one of real grievance. This ordinance introduces an adaptation of the English system, which has been long desired by the community at large.

The object of this ordinance is sufficiently explained in the title.

The court-house at Sherbrooke, a wooden building, is in a ruinous state. This ordinance appropriates 3000*l.* for the erection of a sufficient edifice.



No. 86.

CAP. 39.

An ordinance to make provision for defraying the civil expenditure of the Provincial Government for the year ending the 10th day of October, 1839.

No. 87.

CAP. 40.

An ordinance to continue certain acts therein mentioned, relating to the administration of justice in the inferior district of Gaspé.

No. 88.

CAP. 41.

An ordinance to remove certain doubts as to the extension of the warehousing system established by a certain Act of the Imperial Parliament passed in the 3rd and 4th years of His late Majesty's reign to duties imposed by imperial acts.

No. 89.

CAP. 42.

An ordinance to appropriate certain sums of money to the support of certain charitable institutions.

No. 90.

CAP. 43.

An ordinance to appropriate certain sums therein mentioned to the encouragement of education.

No. 91.

CAP. 44.

An ordinance to amend an ordinance intituled "An Ordinance for establishing regulations respecting aliens coming into the province, or residing therein."

No. 92.

CAP. 45.

An ordinance to continue the act to provide less expensive means for the recovery of wages due to seamen of vessels belonging to or registered in this province.

No. 93.

CAP. 46.

An ordinance to regulate the currency of this province.

The sum appropriated by this ordinance for defraying the expense of the administration of justice, and for the support of the Civil Government, incurred and to be incurred until the date mentioned, amounts to 62,001*l.* 13*s.* 2*d.* sterling.

No. 7.

Sir John Colborne to the Marquis of Normanby.

13th April, 1839.

Enclosure No. 1.

The system of temporary legislation so long pursued in this province rendered the administration of justice in the district of Gaspé dependent on the legislature after the 1st May, 1839, when the Acts providing for that indispensable object would have expired. This ordinance continues those Acts to 1st May, 1842.

This ordinance extends the benefits of the warehousing system as established by Act of British Parliament over imports of certain specified descriptions to other imports, upon which duties are especially imposed by acts of the provincial legislature.

This ordinance appropriates certain sums in aid of certain charitable institutions which have at various times been encouraged and supported by the provincial legislature: the whole amount is 7861*l.* 16*s.* 4*d.* sterling.

The sum appropriated in aid of certain educational institutions is 3483*l.* 4*s.* 4*d.* sterling, all of which had at different times received similar support from preceding legislatures.

This amendment on the ordinance cap. 18 was found necessary to enable the American steam-boats to bring their passengers to St. John's, which is a port within the province line, without unnecessary delay or stoppage.

This useful enactment, which would have expired on the 1st May, is extended to 1842.

Various causes had conduced to introduce into this province a curious variety of coins of different nations, some of which were legally rated above their worth, and others had received a conventional rather than a legal value, continually fluctuating, to the great loss and inconvenience of the public. This ordinance assigns a legal currency to certain coins in common use in this province, proportionate to their intrinsic value, establishes an equivalent currency for certain British coins, and calls in others which are to be received by the collector of Her Majesty's customs during six months, to be then re-coined at the expense of the province.

No. 7.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 13th April, 1839.  
 Enclosure No. 1.

## No. 94.

## CAP. 47.

An ordinance to amend and continue the act to regulate the exercise of certain rights of lessors and lessees.

This ordinance continues a very desirable and practical law to 1842, extending the authority of the judges in certain cases to the term where they had been previously limited to vacation, and extending a useful provision to the country which had been previously confined to the towns.

## No. 95.

## CAP. 48.

An ordinance to prevent real property under seizure from being injured or wasted, to the damage of the party seizing.

The title of this ordinance shows the necessity of providing a remedy where such an evil avowedly exists, and it is expected that the precautions hereby provided will remove that object.

## No. 96.

## CAP. 49.

An ordinance to regulate the practice of the courts of judicature, in this province respecting certain proceedings.

The object of this ordinance is to facilitate proceedings in the cases of debtors absent or absconding from the province.

## No. 97.

## CAP. 50.

An ordinance to incorporate the Ecclesiastics of the Seminary of St. Sulpice, of Montreal; to confirm their title to the fief and seigniory of the Island of Montreal, the fief and seigniory of the Lake of the Two Mountains, and the fief and seigniory of St. Sulpice, in this province; to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories; and for other purposes.

The objects effected by this ordinance have been long and loudly demanded by the inhabitants of Montreal, as relieving a wealthy and enterprising community from the incumbrances and drawbacks of a feudal tenure. This ordinance provides for the commutation of all lands held of the Seminary of Montreal *en voture* into the tenure of free and common soccage by mutual consent and arrangement of the parties, and, in return, confirms to the Seminary their hitherto doubtful titles to the seigniories therein mentioned.

## No. 98.

## CAP. 51.

An ordinance to repeal a certain ordinance intituled "An Ordinance to declare that the second chapter of the Statute of the Parliament of England, passed in the thirty-first year of the reign of King Charles the Second, is not, nor has ever been, in force in this province, and for other purposes.

The object of this ordinance is sufficiently explained by its title.

## No. 99.

## CAP. 52.

An ordinance to revive and continue certain Acts of the Legislature of this province therein mentioned.

This ordinance revives certain Acts by virtue of which the common gaols of the several districts of this province had been formerly made use of as houses of correction.

## No. 100.

## CAP. 53.

An ordinance to provide for the completion of certain public works, for the improvement of the internal communications, and for the encouragement of agriculture, and other purposes.

This ordinance appropriates the sum total of 20,087*l.* 10*s.* 7*d.* to the various important public improvements and objects enumerated therein.

## No. 101.

## CAP. 54.

An ordinance to continue for a limited time the Act to create a fund for defraying the expense of medical assistance for sick emigrants, and of enabling indigent persons of that description to proceed to their place of destination.

This Act is continued until the 1st of November next, so as to ensure to those emigrants who may have already made preparation for their voyage, and who may have allowed in their passage-money the amount of the tax, some beneficial return for the money they have paid.



No. 102.

CAP. 55.

An ordinance to extend the provisions of the ordinance for establishing an efficient system of police in the cities of Quebec and Montreal.

This ordinance extends the ordinance of the 2nd Vic., cap. 2, to the town and district of Three Rivers.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.

13th April, 1839.

Enclosure No. 1.

No. 103.

CAP. 56.

An ordinance to amend an Act of the Legislature of this province, intituled "An Act for repealing certain Acts granting rates and duties to His Majesty, and for granting new and additional duties in lieu thereof, and for appropriating the same towards defraying the expenses of the administration of justice and support of the civil Government within this province, and for other purposes therein mentioned.

The amendment introduced into the Act here mentioned will have the effect of relieving witnesses in criminal cases from great inconvenience and injustice. Heretofore no witness could obtain any compensation for trouble or time lost in attendance on criminal trials, unless he was prepared to swear to his poverty. Witnesses, therefore, who were ill able to support the expense of such attendance, yet who could not conscientiously take their oath, were deprived of all compensation, which became a source of benefit to the unprincipled only. This ordinance remedies the evil by dispensing with the oath.

No. 104.

CAP. 57.

An ordinance to regulate private banking, and the circulation of the notes of private bankers.

Since the general suspension of specie payments in 1836, the province has been flooded with a vast quantity of paper-money, issued as a substitute for coin under the value of a dollar, by persons often insolvent, and in all cases irresponsible, to the great defraudment of the public. This ordinance imposes such restrictions on the future emission of these small notes as, it is expected, will prevent a recurrence of this practice.

No. 105.

CAP. 58.

An ordinance to establish circuit courts of requests in the districts of Quebec, Montreal, and Three Rivers.

The institution of circuit courts of inferior jurisdiction to the superior circuit courts, contemplated by the ordinance cap. 62, to sit at intermediate periods, and decide upon all cases under 10*l.* sterling, has been long considered to be an essential incident to any proposed amelioration in the present defective system of administering justice in this province. This ordinance establishes such circuit courts of requests, to be presided over by a barrister of not less than ten years' standing, who will at the same time discharge the duties of commissioner of the court of requests and chairman of the quarter-sessions in such circuits.

No. 106.

CAP. 59.

An ordinance to suspend for a limited time certain sections of the ordinances for the better packing and inspecting of flour and meal.

Representations having been made subsequent to the passing of the ordinance herein referred to, that, if immediately carried into effect, it would be injurious to the interests of millers and others in Upper Canada, this ordinance was passed, suspending for a limited time the operation of the objectionable sections.

No. 107.

CAP. 60.

An ordinance to amend certain Acts therein mentioned, relative to a certain market at Montreal.

This ordinance authorizes the magistrates of Montreal, who are the trustees of the new market in that city, to lease certain lands belonging to the said market, for longer periods than had been already provided for.

No. 108.

CAP. 61.

An ordinance to authorise the commissioners for making the canal from St. John's to Chambly to borrow a certain sum of money to complete the said canal.

This ordinance is sufficiently explained by the title.

No. 7.  
Sir John Colborne  
to the Marquis of  
Normanby.  
13th April, 1839.  
Enclosure No. 1

No. 109.

CAP. 62.

An ordinance for the more easy and certain collection of the harbour-dues at Montreal.

The object of this ordinance is sufficiently explained by the title to the same.

No. 110.

CAP. 63.

An ordinance to provide for the distribution of the printed copies of the ordinance passed by the Governor of this province, and the Special Council, for the affairs thereof.

This ordinance is sufficiently explained by the title to the same.

No. 111.

CAP. 64.

An ordinance to establish a Board of Works in this province.

An institution of this nature has long been an object of public necessity, to insure a proper examination and authentic sanction of all plans and specifications of public works or improvements carried into effect at the public expense.

No. 112.

CAP. 65.

An ordinance to provide for the inspection of fish and oil.

The inspection of fish and oil, by guaranteeing the quality of the exported articles, protects the market, and encourages the increase of the trade.

No. 113.

CAP. 66.

An ordinance to repeal a certain ordinance therein mentioned, relating to the district of St. Francis.

Martial law had been extended to the district of St. Francis by ordinance. It required a similar intervention of the Special Council to repeal the same, which this ordinance does accordingly.

No. 114.

CAP. 67.

An ordinance for indemnifying persons who, since the 21st day of December, 1838, have acted in apprehending, imprisoning, or detaining in custody, persons suspected of high treason or treasonable practices, and in the suppression of unlawful assemblies, and for other purposes therein mentioned.

It is unnecessary to offer any explanation of an ordinance which has been rendered necessary by the peculiar circumstances of the province, and which has already been twice passed by the Special Council, and sanctioned by Her Majesty's Government.

(No. 56.)

No. 8.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B., to the Marquis of NORMANBY.

No. 8.  
Sir John Colborne  
to the Marquis of  
Normanby.  
15th April, 1839.

MY LORD,

Government House, Montreal, 15th April, 1839.

WITH reference to my letter of the 13th instant (No. 55), and in pursuance of the 28th section of the 3rd George 4th, cap. 119, (an Act to regulate the trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces,) and the 42nd section of the Constitutional Act, 31st George 3rd, cap. 31, I have the honour to transmit to your Lordship, *certified copies* of two ordinances passed by the Special Council for the affairs of Lower Canada.

"An ordinance to suspend in part certain acts therein mentioned, and to consolidate the laws relating to duties levied under the authority of the Provincial Legislature."

No. 72.

"An ordinance to remove certain doubts as to the extension of the benefit of the warehousing system established by a certain Act of the Imperial Parliament passed in the third and fourth years of His late Majesty's reign, to duties imposed by Provincial Acts."

No. 88.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.



(No. 58.)

No. 9.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE G.C.B.  
to the Marquis of NORMANBY.

No. 9.  
Sir John Colborne  
to the Marquis of  
Normanby.  
16th April, 1839.

MY LORD,

Government House, Montreal, 16th April, 1839.

I THINK it right to transmit to your Lordship a copy of a joint address to me from the Legislative Council and the House of Assembly of Upper Canada, forwarded to me by Sir George Arthur. I feel much gratified in receiving this mark of respect from that province, the government of which I administered for several years.

I have, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

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Enclosure 1 in No. 9.

Sir GEORGE ARTHUR to Sir JOHN COLBORNE.

SIR,

Government-house, Toronto, 8th April, 1839.

I HAVE the greatest satisfaction in transmitting to your Excellency a congratulatory address from the Legislative Council and House of Assembly of this province, upon your Excellency's appointment to the office of Governor-General of Her Majesty's North American possessions.

Enclosure No. 1.

The sincere and cordial feeling which has prompted this address will, I am persuaded render it acceptable to your Excellency, more especially when associated with the recollection that it emanates from a Legislature which has had ample opportunities of observing your Excellency's distinguished course of public service, and of appreciating your claims on the grateful regards of the Canadian people.

I have, &c.

(Signed)

GEORGE ARTHUR.

His Excellency Sir John Colborne,  
&c. &c. &c.

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Enclosure 2 in No. 9.

To his Excellency Lieutenant-General Sir John Colborne, G.C.B., Governor of Her Majesty's Colonies of Upper and Lower Canada, Nova Scotia, New Brunswick, and Prince Edward Island, and Captain-General and Governor-in-Chief of British North America, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council and House of Assembly of Upper Canada in Provincial Parliament assembled, have learned, with feelings of unmingled satisfaction, from a message sent to us by his Excellency Major-General Sir George Arthur, K.C.H., &c. &c. &c., that Her Majesty has been pleased to confer upon your Excellency the high honour of representing Her Majesty in British North America as Governor-General and Commander-in-Chief therein: we recognise in this appointment the firm intention of Her Majesty to maintain her authority unimpaired in her North American possessions; and while we approach your Excellency with the language of gratulation in having been selected by Her Majesty to fill so important an office, we feel that we have just reason to rejoice that Her Majesty has been pleased to select your Excellency for this distinguished mark of her royal favour.

Enclosure No. 2.

No. 9.  
Sir John Colborne  
to the Marquis of  
Normanby.  
16th April, 1839.  
Enclosure No. 2.

The Legislative Council and House of Assembly further recognise in this act of Her Majesty Her Majesty's approbation of your Excellency's distinguished services, as well whilst representing Her Majesty as Lieutenant-Governor of this province for so long a period, as subsequently in defending Her possessions in the Canadas against aggressions aiming at the severance of these valuable colonies from the British crown, and beg to assure your Excellency of our high gratification that services so distinguished should have been so justly appreciated by Her Majesty. And the Legislative Council and House of Assembly, in thus expressing their satisfaction, feel assured that they also convey the sentiments of the great body of the inhabitants of Upper Canada, and will with them rejoice in any further distinction which Her Majesty may be graciously pleased to confer upon you.

Legislative Council Chamber,  
25th day of March, 1839.

(Signed)

JONAS JONES,  
*Speaker.*

Commons House of Assembly,  
26th day of March, 1839.

(Signed)

ALLAN N. M'NAB,  
*Speaker.*

(No. 62.)

No. 10.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby.  
19th April, 1839.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 19th April, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 11th ult., and to transmit to your Lordship the accompanying copies of three reports of the Executive Council upon the several subjects to which I adverted in my Despatch of the 31st January. The measures recommended by the Council for the enlargement of the Judicature, the formation of a new Court of Appeal, and for the establishment of Registry Offices, have been laid before the Special Council; and if the Ordinances which have been framed on these reports can be so modified and improved as to afford satisfaction generally in the province, I shall assent to them, with the conditional clauses that they are not to go into operation till the sanction of Her Majesty's Government may be obtained.

With respect to the report on the lods et ventes, the projects which have been laid before me, having in view their commutation, are considered objectionable, but I hope that some measure may yet be proposed which will enable the seigneurs to make an arrangement with their censitaires for the extinction of this seigniorial right, without injuring their respective interests.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure 1 in No. 10.

Enclosure No. 1. REPORT to His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., G.C.H.,  
Governor-General of British North America, &c., &c.

Report of a Committee of the whole Council: present, the Honourable Mr. Stewart,  
Mr. Cochran, Mr. Henry, Mr. Pemberton, Mr. Mondelet, Mr. Sheppard, Mr.  
Daly, Mr. M'Gill, and Mr. De Rocheblave.

May it please your Excellency,

THE Committee, having resumed the consideration of the Report of the Sub-committee,  
submitted by Mr. Henry on the subject-matter of your Excellency's reference in Council of



26th January last, Nos. 1 and 2, have, after discussion, agreed to adopt the same as their Report, and which they now annex.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, Government House,  
Montreal, 19th February, 1839.

(Signed)

By order,

J. STEWART,  
Chairman.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby.

19th April, 1839.

Enclosure No. 1.

Government House, Committee-room of the Executive Council,  
Montreal, 9th February, 1839.

Present — The Honourable Mr. Henry, Mr. Pemberton, and Mr. Mondolet—in Special Committee on that part of his Excellency's reference in Council of the 26th January, 1839, relative to the establishment of a Court of Appeals in which the duties of the judges appointed to decide on appeals shall be limited to cases brought into that Court, and alterations in the Judicature of the Province, and the establishment of Circuits. Having read the order of Reference and extracts from different Despatches accompanying the same, the Committee adjourned to the call of the President.

The Special Committee, having met frequently and carefully examined the subject referred to it, agreed to submit the following Report to the Committee of the whole Council.

The Special Committee, knowing that the subject referred to it had for a long time, and at various intervals, occupied the attention of the Provincial Legislature, believed it to be its duty to have recourse to the labours of the Legislative Council and the House of Assembly on the subject.

It took more particularly into consideration the last Bill of this nature submitted to the legislature then existing, and passed by the House of Assembly on 18th January, 1836, and by the Legislative Council on 7th March of the same year, that Bill having this advantage over all those that preceded it, that it had been agreed to and adopted by both branches of the legislature.

The Special Committee, having most carefully examined this Bill, and assuming it as the basis of its labours, has deemed it advisable to suggest the following alterations.

#### *Court of Appeals.*

The Bill in question fixes the number of judges of appeals at four, and provides for those cases where the judges shall be equally divided in opinion, or legally recused. Your committee is of opinion that, by increasing the number of judges to five, every inconvenience will be obviated. It therefore recommends that this court shall be composed of five members; that the chief justice of the province shall be the president, and in his absence the senior member. It also recommends that one of the judges of this court shall reside in the town of Three Rivers. It recommends further that this court shall be charged with making uniform rules of practice for the different courts of civil jurisdiction in this province.

#### *Criminal Court.*

Your committee, while it preserves the greatest part of the Bill in question, as regards criminal courts, recommends, nevertheless, that the chief justice of the province, and the four other judges of the Court of Appeals, shall alone and exclusively be charged with this department, in addition to being a Court of Appeals. Your committee does not think it advisable to preserve in the New Judicature Bill the clause B, added by an amendment of the Legislative Council, and which regards the establishment of a Criminal Court for the district of St. Francis. It is not within the knowledge of the members of this committee that this measure is required by the wants of this district; and if from some unforeseen circumstances such a necessity should issue, it seems to your committee that the most simple mode of providing for such an exigence would be to name a court of *Oyer and Terminer*.

The establishment of this court for a small number of days as provided for by this clause would render necessary the appointment of a number of officers of justice, the calling together of a large number of grand and petty jurors, who would be taken away from their occupations without any sufficient necessity, and without the public interest demanding it imperatively. Besides, the acts which establish the district of St. Francis being temporary, the committee does not think it would be advisable for the present to extend to this district the provisions of a Judicature Bill which ought to be permanent.

No. 10.  
 Sir John Colborne  
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 19th April, 1839.  
 Enclosure No. 1.

*Court of King's Bench.*

Your committee, after having carefully examined this part of the Judicature Bill, already cited, is of opinion that the greatest part of the same may be preserved, with the essential difference already recommended in the first part of this report, namely, that the judges of this court should have no connection whatever either with the Court of Appeals or the Criminal Court. Your committee, while it approves of the establishment of Circuit Courts, is of opinion that some advantageous changes may be made in the places where the same are by this bill appointed to be held; by the bill in question, the judges in circuit are authorized to take and receive verdicts of juries. This is an important part of the bill, but the act of the Provincial Parliament, 2 Will., cap. 22, which fixed the mode of summoning jurors, having expired, and there being now no other law in force on this subject than the old ordinances of the Legislative Council, your committee deems it of the highest importance to regulate this matter by an express law, without which there would be a great risk of losing the advantages expected from a New Judicature Bill.

(Certified) G. H. RYLAND.

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Enclosure 2 in No. 10.

Enclosure No. 2. REPORT to His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., G.C.H., Governor General, &c. &c.

Report of a Committee of the whole Council. Present, The Honourable Mr. Stewart, Mr. Cochran, Mr. Daly, Mr. McGill, and Mr. De Rocheblave.

May it please your Excellency,

THE Honourable Mr. Stewart, the chairman of the sub-committee to whom was referred that part of your Excellency's reference in council of 28th January, 1839, "Whether it may not be desirable" to propose a compulsory arrangement respecting a commutation for *Lods et Ventés*, and having laid before the board their report on the subject, the same being read, it was approved and adopted as the report of the whole council, and it is hereunto accordingly annexed.

All which is respectfully submitted to your Excellency's wisdom.

Council Chambers, Government House,  
 Montreal, 1st March, 1839.

By Order,  
 (Signed) J. STEWART,  
 Chairman.

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Executive Council Chamber, Government House.—Montreal, 27th February 1839.

Present in Sub-Committee the Hon. Mr. STEWART, Mr. COCHRAN, Mr. POTHIER, Mr. M'GILL, and Mr. De ROCHETLAVE, on His Excellency's Reference in Council of 28th January, 1839.

The special committee of the executive council appointed to report upon his Excellency's reference of the question, "whether it may not be desirable to propose a compulsory arrangement respecting a commutation for *Lods et ventes*, particularly in towns," have at different meetings deliberated on this important and extensive subject, and have now to report their opinion.

First.—That it would not be expedient to compel the inhabitants of this province holding real property in *clive* of seigniories, to submit to a commutation of tenure, but that it should be made compulsory upon the seigniors of such property throughout the province, to grant a commutation and release of all feudal and signiorial dues, duties, and burthens, to any *Censitaire* who shall at any time hereafter, apply for the same, such seignior receiving a compensation for such commutation and release, in the manner hereinafter mentioned.

Second.—That as a part of the indemnity or compensation to the seignior, it would be advisable that the Crown, should by Proclamation declare its intention to surrender the future *quints*, which might otherwise accrue to it upon all those portions of any seigniory, of which a change of tenure shall have been obtained from the seignior by the *Censitaire*.

Third.—That the amount of the commutation or indemnity to be paid or given to the seignior by the *Censitaire* upon such change of tenure, should be settled by *Experts*, to be appointed one by each of the parties, and a third being a disinterested person, to be named by such *Experts* in case of difference between them, or if they cannot agree in such nomination, or shall neglect to make it, then such third *Experts* or umpire shall be named by a judge of the Court of King's Bench, or other superior court of civil jurisdiction.



Fourth.—That the rate of commutation should not in any case exceed two mutation fines, where the real property is situated without the city or *Banlieue* of Quebec or city of Montreal, or the town or *Banlieue* of Three Rivers, or one-tenth of the estimated value of the property if situated within those limits.

Fifth.—That the seignior shall not in any case be bound to grant such commutations of tenure until all arrears of seigniorial dues and duties are discharged or satisfied by the *Censitaire* applying for the same.

Sixth.—That the amount of the price, indemnity or compensation estimated and allowed by such *Experts* may remain charged upon the property of which the tenure shall have been changed as a redeemable rent-charge, (*Rente foncière rachetable*), with the like *hypothèque* et privilège, in favour of the seignior, as he now has by law in respect of his seigniorial rights and dues.

Seventh.—That in cases where the property of which the tenure shall be changed lies within a seignior under entail (*substitution*), the price, indemnity, or compensation estimated by the *Experts*, shall not be paid to the seignior tenant in tail, (*grève de substitution*), but shall remain charged upon the property whereof the tenure shall have been changed, as a rent-charge not redeemable, (*rente foncière non rachetable*), during the lifetime of such seignior, but shall be redeemable (*rachetable*) when the heir in tail (*substitué*) shall come into possession of the seignior (*quand la substitution sera ouverte*.)

(Certified)

G. H. RYLAND.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby.

19th April, 1839.

Enclosure No. 2.

Enclosure No. 3.

REPORT to His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B.G.C.A.  
Governor-General, &c. &c.

Enclosure No. 3.

Report of a Committee of the whole Council; present, the Hon. Mr. Stewart, Mr. Cochran, Mr. Daly, Mr. M'Gill, and Mr. De Rocheblave.

May it please Your Excellency,

THE HON. Mr. Cochran, the chairman of the sub-committee, to whom was referred that part of your Excellency's reference of 28th January last, relative to the establishment of Registry Offices, having laid before the Board their Report thereon, it was read and adopted as the Report of the Committee of the whole council, and the same is accordingly annexed.

All of which is respectfully submitted to your Excellency's wisdom.

Executive Council Chambers, by order.  
Montreal 2nd March, 1839.

(Signed)

J. STEWART, CHAIRMAN.  
(Certified) G. H. RYLAND.

Friday, 1st of March, 1839.

At the Council Chamber in the Government House, Montreal.

Present.—The Hon. Mr. Cochran, the Hon. Mr. Daly, the Hon. Mr. M'Gill, and the Hon. Mr. De Rocheblave, in Sub-Committee on that part of his Excellency the Governor-General's Reference in Council of the 26th of January last, relative to the establishment of Registry Offices.

The Special Committee of the Executive Council appointed to consider his Excellency's reference respecting the establishment of Register Offices, having given their best attention to this important subject, have agreed to the following Report:—

Although the establishment of offices of general registry of conveyances and incumbrances has been repeatedly under discussion in the legislative bodies of this province for nearly twenty years, it does not appear that any legislative measure has received the concurrence of the two branches of the Provincial Parliament, except as regards lands in the townships. In 1823 the Assembly resolved to take into consideration the passing of a law for the public registration of instruments conveying, changing, or affecting real property. In the close of the same year, the Legislative Council passed a bill, which was committed for consideration in the Assembly, to make provision for this purpose. In 1825 the Assembly again came to a resolution declaring the expediency of making such provision; and, in 1826, the same body, after adopting several resolutions still more strongly affirming the expediency and necessity of passing a law upon this subject, took into consideration a Bill for this purpose introduced by Mr. Vallière, and adopting the leading provisions of the modern Code Civil of France on this subject, which passed to a second reading, but was dropped in that session; and though taken up again in the following session, was not proceeded with. In the year 1826, the Legislative Council passed a Bill making provision for this object, which was not taken up in the Assembly, who had then Mr. Vallière's measure before them; and, in 1836, the Legislative Council, after an inquiry in which they obtained the opinions of many persons of information, intelligence, and experience, from all classes of the community engaged in the active pursuits of life, including several eminent practitioners in the legal and notarial professions, again passed a Bill which was intended to prepare the way for the introduction of a complete and general system of registry, by altering the existing system of law in those points which confessedly interfere with the establishment of such a system; but this measure

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also dropped in the Assembly. From these various proceedings and efforts at legislation, the Special Committee find that the existence of the evil arising from the want of register-offices was fully admitted in the legislature, and although the legislative bodies came to no agreement as to the details of the remedial measures to be adopted, there were some general principles respecting which there was no material difference between them. The Special Committee have closely examined and considered Mr. Vallière's Bill of 1826, the Bill sent from the Council in that year, and that sent from the same body to the Assembly in 1836, and they have also had before them a Registry Bill prepared by a legal gentleman connected with the late administration of Lord Durham (founded, in a great measure, on Mr. Vallière's Bill, and modified, as the Committee understand, after conferences with Mr. Vallière), and also another draft of a similar measure compiled by an able member of the bar of Montreal, which, while it is similar in its general outline to that last mentioned, contains some new provisions, and more particularly some of those important but necessary alterations in the existing law, which the Legislative Council proposed to introduce by their Bill of 1836.

To these the special committee are desirous, in the first place, more particularly to advert,—

The general or indeterminate mortgage or *hypothèque*, (that is, without specification of any particular property to which it is to attach,) the customary dower, arising without special contract from the mere celebration of marriage, and descending as an inheritance with an indefeasible *hypothèque* to the children, and the legal or tacit mortgage arising from the offices of tutor and curator, which most persons may be by law compelled to undertake: these were circumstances in the existing state of the law, which materially interfered with the adoption of an effectual system of Registry, and seemed to present impediments which no system could entirely surmount while they continued to exist. But from the evidence obtained by the Legislative Council, as well as from that laid before His Majesty's Commissioners of Inquiry in 1836, it appeared to be the opinion of the best informed persons, that the general or indeterminate mortgage by Notarial Act should be abolished, and all such *hypothèques* be required to be special; that the customary dower should in like manner cease to exist, and the wife be endowed by special contract; and that while there seemed to be a well-founded objection to the calling upon tutors and curators to give specific security on property, for the due execution of their trusts, from the circumstance of their being compelled to undertake the office, the weight of opinion was yet strongly and decidedly in favour of such specific security being required. Upon these various points the special committee have come to the conclusion that any Registry Bill, to be effectual, must either contain or be accompanied by legal provisions for abolishing general and indeterminate mortgages and customary dower, and for limiting the responsibilities of tutors and curators by special security on certain property; but providing at the same time that no person shall be compelled to accept those offices; and that tutors appointed by will, if they accept the trust, shall be admitted to the administration and guardianship without security.

With respect to the other leading features of the measure, there does not appear to be any essential difference between the Bill introduced by Mr. Vallière in 1826, and the two more recently prepared during and since Lord Durham's administration, which are in most respects improved in modifications of the former; and the special committee having collated the whole together, have extracted from them the following general regulations, which they recommend to be adopted in any measure which may be brought forward:—

1st. All conveyances, instruments, and proceedings (except as hereafter) by which real property may be in any way alienated, charged or incumbered, whether by deed, writing, devise, judicial proceeding, or by operation of law, shall be registered; or if not, shall be void and null as against subsequent registered *bonâ fide* purchasers, or incumbrances for a valuable consideration.

- Exceptions—1. Arrears of *Cens et rentis* for a period not exceeding five years, and other seigniorial dues, (except arrears of *Lods et Ventes*.)  
 2. Arrears of *Rentes foncières*, not exceeding five years.  
 3. Arrears of rent of leasehold property not exceeding two years.  
 4. Cost of Cuit, (*Frais de Justice*.)  
 5. Funeral expenses and those of last sickness.  
 6. Servants' wages, not exceeding two years.

2dly. That the privileges,—

1. Of the seigniors for *Lods et Ventes*.
2. Of the vendor, or *Bailleur de fonde*, or of the person who shall have furnished monies for purchase of real estate, and have been subrogated to rights of vendor.
3. Of co-heirs, or *co-partageants* for difference in shares (*Soulte et retour*), or price of licitation.
4. Of architects, builders, &c. and of those who have lent monies to pay them.
5. Of creditors and legatees praying the separation of patrimony of deceased from immoveables of heir—

Shall be registered within a certain time, and in a manner to be provided, if not so registered, to take effect as mortgages only from the time they are registered.



3dly. Claims for accruing interest on securities for money, or claims for rent of any kind, shall not be an incumbrance on real property for more than three years after registration, as against subsequent *bonâ fide* purchasers, or incumbrancers for a valuable consideration, unless registered afresh as a principal sum, with assent of the person subject to payment.

4thly. Notarial instruments or those under signature, wills or testamentary instruments, shall not carry mortgage or *hypothèque*, unless the real property intended to be affected is specified; and in judgments and Acts of *Tutelle* or *Curatelle*, the amount for which real property is to be mortgaged shall be set forth.

5thly. No instrument, &c., shall carry mortgage on real property unless at the time of registration such property be the actual *bonâ fide* property of the person intended to be affected.

6thly. The registration of an instrument of alienation shall be tantamount to delivery of possession.

7thly. Registration not to confer title upon, or confirm title derived from any person not having a good title to the real property registered, as against prior purchasers or incumbrancers not registered.

8thly. Customary dower to be abolished.

9thly. Persons or corporations having or claiming either in their own right, or as representing others, any title, claim, or incumbrance upon real property, by any such assurance, instrument, or proceeding, and wishing to preserve the same as against subsequent *bonâ fide* purchasers, may, after a certain day, cause such assurance, &c. to be registered; and such registration shall preserve all rights appearing in or by such assurance, &c.

10thly. No such title, &c. shall be capable of being enforced as against third parties until so registered, except that judgments or judicial proceedings may be enforced by execution.

11thly. Sales and incumbrances to take effect and have priority from the time of registry.

12thly. Notice of a prior sale or incumbrance not registered, not to vitiate a subsequent *bonâ fide* sale for valuable consideration, provided that subsequent purchasers, &c. having such notice, give public notice to the prior purchaser, &c. to register his purchase, &c.

13thly. A person conditionally selling or incumbering, and such sale or incumbrance not being registered, may subsequently sell or incumber the same property, subject to such prior conditional sale or incumbrance, which shall preserve the same valid.

14thly. Persons selling or incumbering the same property a second time without disclosing the prior sale or incumbrance, if it shall not have been registered, shall be subject to an action by the first purchaser or incumbrancer for original consideration, interest, and damages, notwithstanding any positive agreement to the contrary, and such persons shall be deemed guilty of misdemeanor, and be punishable accordingly.

With respect to the further enactments necessary for carrying such a measure into effect, as to the manner of registering titles or claims, the manner of authenticating instruments not carrying evidence of authenticity in themselves, the manner of discharging or restricting registered *hypothèques*, the proper establishment of offices and officers, and the duties, responsibilities, and emoluments of the latter. The special committee, think it unnecessary to enter into these details, but they recommend that on these points, the Bill prepared by Mr. Furton, as abridged and modified by Mr. Badgley, of the Montreal Bar, and not essentially differing in its main outline from Mr. Vallière's Bill, should be adopted as a guide.

(Signed)

A. W. COCHRAN,  
Chairman Sub-Committee.

Certified,

G. H. RYLAND.

No. 10.  
Sir John Colborne  
to the Marquis of  
Normanby.  
19th April, 1839.  
Enclosure No. 3.

(No. 66.)

No. 11.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal. 5th April, 1839.

I HAVE the honour to transmit, for the information of Her Majesty's Government, the proceedings of seven courts martial, which have been held since my Despatch of 19th of February, upon the subject of the trials of prisoners accused of high treason. I shall proceed to state the particulars of these cases, with which the grave and arduous labours of the courts-martial have at length terminated.

The first of the trials above referred to is that of James Perrigo, Louis Turcot, Jean Marie Lefebore, Godfroi Chaloux, Deziré Bourbonnais, Michel Longtin dit Jerome, fils, Charles Roy dit Lapenseé père, François Xavier Prevost, Isidore Tremblay, André Papineau dit Montigny, David Gagnon, and Charles Rapin, on the 7th February.

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These men were arraigned on a charge of high treason, as having been deeply implicated in the first rebellious movement which took place at the parish of St. Clement, better known as the village of Beauharnois, from the 3rd to the 7th of November last, as having participated or abetted in the attack on the Seigniorial House, in the arrest of many loyal inhabitants, and in the seizure of the "Henry Brougham," steam boat, and as having acted in concert and co-operation with another rebel party, stationed at a place called Baker's Camp, within eight miles of St. Clement.

The court, upon the most conclusive evidence, sentenced Louis Turcot, Denzire, Bourbonnais, Michel Longtin dit Jerome, fils, Charles Roy dit Lapenseé, père, François Xavier Prevost, André Papineau dit Montigny, David Gagnon, and Charles Rapin, to undergo the extreme penalty of the law, recommending at the same time Dezire Bourbonnais, Michel Longtin dit Jerome, fils, and Charles Roy dit Lapenseé père, for a commutation of sentence. James Perrigo and Isidore Tremblay were acquitted.

The second trial, that of Louis Bourdon, Jean Baptiste Bousquet, and François Xavier Guertin, commenced on the 22nd February.

These men were accused of high treason in having assembled and risen in arms on the night of the 3rd of November last at St. Cesaire, and in having marched, accompanied by many others, with the avowed object of raising the peasantry and overthrowing the Government of Her Majesty: Bousquet was further charged with the offence of administering secret illegal oaths.

These charges having been fully brought home to the prisoners, severally, they were convicted, and received sentence of death accordingly.

On the 1st of March, Charles Guillaume Bouc, Leon Leclair, Paul Gravelle, Antoine Roussin, otherwise called Joseph Roussin, François St. Louis, and Edouard Pascal Rochon, were brought to trial before the Court Martial.

The accusations preferred against these prisoners, were those of high treason, in having conspired together at the village of Terrebonne, and prepared for the approaching revolt by casting balls, making cartridges, collecting arms, and in having, on the 3rd of November, assembled together for the purpose of resisting the officers of justice, who were understood to be then on the way for their apprehension. They fired, in fact, upon the constables, wounding one of them, and then deserted the village, upon which they subsequently returned with increased numbers. The loyalists, however, having assembled in the meantime, they proposed an armistice, to which they affixed their signatures or marks, as leaders of the rebel party.

The evidence against the prisoners appears to have been most distinct and conclusive. They were all found guilty by the Court Martial, and left for execution.

On the 12th of March the Court Martial proceeded with the fourth trial. Louis Defailette, David Jacques Hebert, otherwise called Jacques David Hebert, David Demers, Thomas Surprenant dit Lafontaine, François Surprenant, Hypolite Lanctot, Louis Pinsonnault, Rene Pinsonnault, Etienne Languedoc, Benoin Verdon, and Etienne Langlois, were, upon this occasion, brought before that tribunal on charges of treason, effected by open rebellion at the parish of St. Constant (Napierville), between the 3rd and 10th of November last, by the armed occupation of that village, with the avowed design of overthrowing the government of Her Majesty, and by various outrages and offences committed against the persons and properties of Her Majesty's subjects, at that period in furtherance of the said rebellion.

After mature deliberation on the evidence adduced for the prosecution and defence, the court found the eleven prisoners above named guilty of the charges preferred against them, and they received sentence of death accordingly, with a merciful recommendation in favour of Thomas Surprenant and Benoin Verdon.

The Court Martial again assembled on the 20th March, and proceeded with the trial of Clovis Patenaude for treason, and of Charles Mandat and Moyse Longtin, fils de Jacques, for treason and the murder of Mr. Walker, at the parish of St. Constant, on the night of the 3rd of November last, this being the fifth of the trials first referred to. The assembling in arms with intent to subvert the Government was distinctly proven against the three prisoners, and and sufficiently established the crime of treason. The implication of Charles



Mandat, and the actual participation of Moyse Longtin, in the murder of Mr. Walker admitted of no doubt. It was shown, however, that Mandat was naturally of an imbecile intellect, which had been since aggravated by the consciousness of his critical situation. The court passed sentence of death on the three prisoners, but recommended Mandat to the merciful consideration of the Crown.

The sixth trial to which I must now call the attention of your Lordship, commenced on the 25th of March, when Michael Allary, Joseph Goyette, Louis Hainault, Bazile Roy, Joseph Roy, Joseph Roy dit Lapenseé, fils de Louis, Edouard Tremblay, Phillippe Tremblay, François Vallée, Constant Bouisson, Charles Bergerin dit Langevin, père, Antoine Charbonneau, Joseph Consineau, François Dixon, Louis Julien, Jean Baptiste Trudelle, Moses Dalton, Samuel Newcomb, and Jeremie Rochon, were arraigned upon charges of treason, the overt acts of which consist in rebellion at the parishes of St. Clement (Beauharnois), Chateaugay, and St. Martine (Baker's Camp), on the 4th of November last, and subsequent days, having taken up and borne arms against the Queen, attacked the Seigniorial House, and imprisoned the loyal inhabitants of those parishes.

After a patient investigation of the cases of these prisoners, the court sentenced the whole of them to death, recommending at the same time Louis Hainault, Edouard Tremblay, and Phillippe Tremblay, for a commutation of the sentence of death to a punishment of a less severe character.

On the 10th of April, Benjamin Mott, a native of the United States, was arraigned before the Court Martial (this being the seventh of the cases first above referred to) on charges of treason, of levying war against the Queen, at Odelltown, on the 7th of November last, of the murder of one Robert M'Intyre, and of aiding and abetting in the said murder. The prisoner was convicted on the first, second, and fourth counts of the accusation preferred against him, and was sentenced to be executed.

The case of this man was one which had been necessarily deferred until the last, in consequence of the deficiency of legal evidence to convict him of crimes in which he was notoriously implicated. The facts elicited upon his trial most satisfactorily established his intimate and active participation in the revolt. It was proved that he came in a barge from the United States, with others, and landed in Lower Canada on the morning of the affair at Odelltown; that he had disembarked one piece of artillery and a large quantity of small arms from this barge, which were subsequently employed by the rebels in the action, where he served the piece of artillery himself, having been seen to discharge it on Her Majesty's forces two or three times. The case of this man was altogether of an aggravated nature, and nothing but the conviction that the cause of public justice had been already sufficiently vindicated, and the primary objects of all capital punishments effectually attained by the executions which had already taken place averted the effect of the sentence which was pronounced upon him.

This trial has brought to a conclusion the labours of the Court Martial, which have been prosecuted with a patient assiduity, a minuteness of inquiry, and an impartiality most honourable to that tribunal.

The sentences pronounced in all the above cases, as well as in those which have been already submitted for the information of your Lordship, will be commuted to transportation, and, in some few instances to banishment from the province. It only now remains for me to select those individuals whose guilt and whose dangerous character render it indispensable that they should be removed from this colony. When I mention to your Lordship that the prisoners brought before the Court Martial were those most prominent for their guilt and mischievous activity of character, it will be evident that very little ground remains for discrimination between the cases of those under conviction. Eighty-nine convicted prisoners, now under sentence of death, remain to be disposed of. In the cases of ten of this number, favourable circumstances or the recommendations of the Courts Martial, may justify the mitigation of their sentences into simple banishment from the province. The remainder will be duly notified and prepared for their immediate transportation to a penal colony, on the arrival of the vessels which Her Majesty's Government may have destined for their conveyance; a measure which appears absolutely necessary, under existing circumstances, to restore the confidence

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of the loyal part of this community, and to secure the continuation of tranquillity in the province.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
 &c. &c. &c.

(No. 67.)

No. 12.

No. 12.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 6th May, 1839.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
 to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 6th May 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 22nd of March, 1839, with which was transmitted, for my information, a petition from Messrs. Lafontaine and Mondelet, of Montreal, to the House of Commons, containing charges of a general character against the executive government of this province, and also accusations of personal injustice and oppression exercised against the prisoners themselves.

It appears to be alleged; that *carte blanche* had been given to the government to execute arbitrary and unwarrantable arrests that a commission had been subsequently appointed to entrap prisoners into self-incrimination, and that such prisoners had been denied all reparation at civil law by an ordinance of indemnity; that devastations and excesses had been committed by Her Majesty's troops and the volunteers, led on by their superior officers; that opinions had been obtained from certain of the judges, extra-judicially; that other judges had been suspended; and that the revolutionary printing-presses had been seized and suppressed.

These charges are combined with a general arraignment of the ordinances of the special council, of the declaration of martial law, and of every precautionary measure forced upon the government by the wicked instigators and abettors of the late revolt.

Before proceeding to the individual cases of the petitioners, or to treat of Mr. Viger's case, which is specially referred to in their petition, I must draw the attention of your Lordship to the alarming crisis which menaced the safety of the province in the month of November last, and I shall have no difficulty in showing that the precautionary measures sanctioned by me were demanded by the imminent and increasing danger of the country.

Late in the month of October, and previously to the embarkation of the Earl of Durham, it was known to the executive government, and to the inspector of police in the city of Montreal, that upwards of 3000 conspirators had bound themselves by secret oaths in that city alone, and were prepared to rise on a preconcerted day in open rebellion. On my arrival in Montreal, early on the morning of the 4th of November, I found that the population of several counties on the river Richelieu, of Chateaugay, Beauharnois, and of Terrebonne, in the rear of the city, were in a state of declared insurrection, and that murder and various outrages upon persons and property had been already committed, and were actually in progress. The terrified loyalists from the surrounding country flocked into the town, and augmented the alarm and excitement which pervaded the community. A council was immediately summoned, martial law was declared, the volunteers armed and called into active service, and such military preparations made as might restore confidence to the timid, and afford support to those who had spontaneously rushed forward in the cause of their Sovereign. At the same time, the inspector of police in Montreal received general instructions, with reference to the extent and danger of the conspiracy, to arrest at once any persons who might justly be suspected of having promoted or being implicated in the existing revolt. It can be a matter of little surprise that, at such a moment, individuals whose notorious principles and previous conduct and character had identified them with the cause of disaffection should have been secured by the magistrates in charge of the police.

Few cases occurred in which legal formalities were not strictly observed. In these cases the emergency and characters of the men did not admit of any delay which might have permitted their escape. The parties were dangerous from their



influence and their previous political career, and had long been suspected; it only remains to show their identity with the cause of revolt, to justify their arrest and subsequent imprisonment.

Mr. Lafontaine is an advocate, and was formerly member for the county of Terrebonne.

The document (No. 1) will show the part he took at a violent meeting which occurred at Ste. Rose, in this district, on the 11th June, 1837, where he supported, by his example and exhortations, a series of revolutionary resolutions. His intimate connexion and correspondence with the chiefs of the rebel party, in 1837, will not be denied.

The documents (Nos. 2 and 3) are a copy of a letter addressed by him, in the early part of the year 1837, to J. J. Girouard of St. Benoit, one of the most active rebel leaders at the Grand Brulé, accompanied by vouchers to its authenticity.

By this letter Mr. Lafontaine assures his correspondent of Viger's and Papineau's readiness to advance 20,000*l.* to arm the peasantry in the northern section of the district of Montreal ("Les Bonnets bleus du Nord"), where Girouard's influence and power were very great.

During the revolt of 1837, Mr. Lafontaine suddenly quitted this province for Europe, whence he returned about the period of Lord Durham's Proclamation of Amnesty. When arrested upon the occasion in question, the agents of the police were at the same time in search of J. J. Girouard, represented to have renewed his intrigues, and to have been for some time actively and conspicuously employed in traversing different parts of the country, and who was on the 4th November residing at the house of Mr. Lafontaine, in Montreal.

Mr. Mondelet is also an advocate.

In 1837 he had ostentatiously enlisted himself in the ranks of the "Enfans de la Liberté;" was President of the Central Committee; and more recently had rendered himself conspicuous by the inflammatory and seditious language employed by him in defending the prisoners accused of the murder of the unfortunate Chartrand. This speech (a report of which is annexed, No. 4) was calculated to increase the revolutionary excitement which continued to exist, and to produce the outrages of an atrocious character which occurred in a part of this district.

The imputation cast upon the commission of inquiry is unsupported by anything beyond the assertion of the petitioners. Upon the suppression of the revolt a commission was appointed, composed of four barristers of Montreal, gentlemen of high standing and character, to inquire into the cases of nearly 800 prisoners, confined in the gaol of this district, the greater proportion of whom had been actually taken with arms in their hands. The object of this commission was to investigate individual cases, to report upon their respective and relative criminality, and expedite, as far as might be consistent with the public safety, the release of those in whose favour any palliative circumstances could be rationally advanced. In the routine of their inquiries Messrs. Mondelet and Lafontaine appeared before them, and their conduct on the occasion is stated in the Report of the Commissioners.

The ordinance of indemnity, which has been made a subject of grievance, is an act considered necessary by the Special Council for the protection of the officers of the government, and of the individuals who were required to assist the government in securing the tranquillity of the province, and requires no defence at my hands.

It is equally unnecessary to advert to the general denunciation of the ordinances of the legislature, the declaration of martial law and the proceedings of the courts-martial, the object, intent, and necessity of which has been already explained in my different despatches on these subjects to Lord Glenelg, and which must be obvious and intelligible to all but those whose designs they were calculated to punish or control.

The charges preferred against her Majesty's troops by the petitioners, "led on," as it has been asserted, "by their superior officers," are reckless and unprincipled accusations, implied rather than imputed, but which at the same time demand serious and thorough investigation.

The results of the late insurrection have been deplorable in all cases. Some parts of this district have suffered more severely than others; but in every instance the wickedness and the misery, the spoliation and destruction, are to be attributed to those who evoked the insurrection, and who enacted the revolt. Were the petitioners, when they caused this statement to be laid before the House of Commons, unacquainted with the atrocities, murder, pillage, and personal outrage perpetrated between the 3rd and 9th days of November last upon the loyal subjects of her Majesty, unprepared for defence, and as yet unsuccoured by her Majesty's troops?

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.

6th May, 1839.

Enclosure No. 1.

Enclosures Nos.  
2 and 3.

Enclosure No. 4.

Enclosure No. 5.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Were they unaware that in the immediate vicinity of Napierville alone seventy-five loyal families were compelled to fly to the woods, leaving their property to be despoiled by the rebel force then concentrated in that village? Were they ignorant that during the interval of those days between four and five thousand rash and lawless men, knowing no discipline or restraint, unprovided with stores or provisions, had assembled in the small village of Napierville, containing about eighty houses; that they had ejected the inhabitants for their own reception; and that in search of necessary food at that period of licentious disorder they had preyed indiscriminately on friend and on foe? I have to acquaint your Lordship that when her Majesty's troops entered Napierville on the 10th November, they found the prison of that village full of unfortunate persons, who had been incarcerated by the rebels; they found every house on the line of march, and almost every house in the village, abandoned and void of effects, whether removed by the former inmates or pillaged by the flying rebels.

Almost simultaneously with the march of the troops from their quarters fires broke out in the village; and, if houses were subsequently destroyed in different parts of the surrounding country, it is more natural and more just to attribute these acts to the exasperation and retaliation of those who had suffered so much, and so recently, than to the troops, whose future quarters would be necessarily straightened by their destruction.

I have to assure your Lordship that, with the exception of a few buildings which had been employed as dépôts for arms, and which were very properly burnt by the direction of Sir James M'Donell, no such charge can be imputed to Her Majesty's troops.

In the subsequent march of that officer through the insurgent counties on the Richelieu, in search of arms and ammunition, through a partial misapprehension of instructions the troops were subsisted by a modified requisition on the inhabitants.

Upon information of this occurrence reaching head-quarters, the Commissary-General was instructed to pay for the provisions furnished the troops under these circumstances.

Enclosures Nos.  
6 and 7.

The accompanying enclosures, Nos. 6 and 7, will show how strictly these instructions were obeyed; and when I acquaint your Lordship that one of the principal parties who claimed and received indemnification was a man conspicuous for his disaffection, your Lordship will not doubt but that others, had the case occurred, would not have hesitated to follow his example.

A charge, however, of a more grave character has been brought against Her Majesty's troops by the petitioners. The documents which I have transmitted to the General Commanding-in-Chief will explain to your Lordship the exact nature of these charges: they will show the immediate and searching investigation instituted; that an officer was promptly despatched from head-quarters, who found that his inquiries into these cases had been already anticipated by the active intervention of the officers commanding on the spot. They will show that every encouragement was given, and every facility afforded, in the most public manner, to the parties aggrieved to identify the accused. That in one or two cases the parties neglected to attend at the period and place assigned for the investigation; that in one case they failed entirely in their proof; and that in the only case clearly established (the case at Ste. Marie Monnoir) the injured party was generally admitted to be a person of dissipated and abandoned character.

Enclosures, Nos. 8,  
9, 10 and 11.

It is indeed deeply to be regretted that even one such occurrence should have afforded grounds for so general and gratuitous an imputation as that to be implied from the language of the petitioners. The harassing nature of the service however, the difficulty and confusion in obtaining sufficient billets, and the necessity of detaching the men in small villages, and their unavoidable separation from their officers in certain cases, will explain the cause of any momentary irregularity. The accompanying documents (Nos. 8, 9, 10, and 11) satisfactorily prove, by the orders issued and the precautions taken, the unremitting exertions of every commanding officer to maintain the strictest discipline, and a scrupulous respect for private property. And I am happy to add that, under very trying circumstances, with the rare exceptions above noticed, they were successful.

Before the end of November the inhabitants, who had either been driven from their houses by the rebels, or who, having been compelled by the leaders to take up arms, had subsequently fled from a fear of the consequences, returned to their respective parishes.

Tranquillity and order have been everywhere restored, except upon the frontier;



and I have every reason to know that the presence of the troops in the disturbed counties is hailed, by all parties, as a protection from the effects of their mutual dissensions.

The suspension of the judges is a subject which has been already fully explained by former despatches. The imputation of having required extra-judicial opinions from the judges is a vague and general charge, as groundless as it is undefined.

The suppression of seditious newspapers, and the seizure of the presses from which they circulated, was the natural and necessary consequence of the insurrection they had fomented. The inflammatory articles dispersed through the medium of these publications had irritated the feelings and buoyed up the hopes of the disaffected. To them may be attributed the revived agitation which preceded the revolt, and they were, upon the outbreak, disarmed of the capacity of doing further mischief.

It remains for me to offer a few remarks upon the case of the Honourable Denis Benjamin Viger, Esq., who was arrested in November last, on suspicion of high treason, and who (since the period such terms were offered) has contumaceously rejected the terms upon which I have deemed it necessary to insist previous to his enlargement.

This individual has taken so active, and at the same time so conspicuous, a part in the growing troubles of this Province, that it is unnecessary for me to do more than to state those recent incidents which appear to establish his participation in the scheme of the late revolt and to justify his imprisonment.

The intelligence, activity, and influence of Mr. Viger, are well known. His wealth and his talents have been for many years employed in propagating the seeds of disaffection through the columns of the "Minerve," a highly seditious paper, in the French language, which was published in a house belonging to Mr. Viger, printed from a press and with types which were partially his property, and was supported by contributions from his pen.

On the flight of the editor and suppression of this journal during the revolt of 1837, the press and types of the "Minerve" were purchased at public auction by Mr. Viger, and, with the returning tranquillity of the Province, two French papers, the "Quotidienne," and the "Temps," and a short-lived English publication, styled the "Express," sprung up almost simultaneously, to counteract the hopes of the community. It is only necessary to observe that the articles marked off, in the copies of those newspapers which were transmitted to the Attorney-General by the Commission of Enquiry, establish the sedition and hostility to the government which they were intended to disseminate and inspire. The accompanying depositions will at the same time establish that all these papers were published in a house belonging to Mr. Viger, with a press and types exclusively his property, and edited by a person who has subsequently absconded from justice. That the funds of Mr. Viger were employed in the support of these papers is incontestible; his participation in their evil and seditious design is proved by extracts and proof-sheets of both the French papers, corrected in his handwriting, which also form part of the documentary evidence in possession of Her Majesty's Attorney-General of this Province, while it is further known upon oath that Mr. Viger had been seen upon the public market-place, recommending the perusal of these false and inflammatory publications to his credulous and susceptible countrymen.

Mr. Viger, in compliance with the recommendation of the Commissioners whose Report is annexed, has been offered his liberty, upon providing sufficient security to Her Majesty for his future good behaviour. With this condition he has refused to comply.

I have, &c.  
(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Enclosures, Nos.  
12, 13, 14, and 15.

Enclosure No. 16.

Enclosure No. 17.

Enclosure 1 in No. 12.

Proposé par le Dr. Lachine, de Ste. Thérèse; secondé par le Dr. Pratte, de St. Vincent de Paul.

Que, désespérant d'obtenir justice du gouvernement de sa Majesté, le peuple du pays, conservant plus de confiance dans les représentants du peuple Anglais, comme devant être plus amis des droits sacrés et des libertés publiques de leurs concitoyens des colonies, en a appelé

Enclosure No. 1.

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Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.  
Enclosure No. 1.

par ses mandataires à l'honneur du Parlement Britannique pour faire reconnaître aux Ministres de sa Majesté la justice de nos plaintes ainsi que de nos demandes, et les forcer à entrer dans les voies d'une réforme sage et libérale, et d'autant plus nécessaire qu'elle est vivement sentie depuis longues années; mais que nous avons appris, avec des sentimens de douleur, et mêlés d'une profonde indignation, que, loin d'écouter la voix de la justice et de la saine politique en repoussant les propositions liberticides de Lord John Russell, faites au nom des Ministres de sa Majesté, et surtout la huitième de ses propositions, la majorité de la Chambre des Communes vient de leur donner honteusement son appui, et d'arracher par là au peuple du pays la dernière espérance qui lui restait, et les force à chercher ailleurs les sympathies qu'on lui refuse.

Paul Rollin, Ecuyer, de la paroisse de Ste. Thérèse de Blainville, après serment prêté sur les Saints Evangiles, dépose—

Que Dimanche, le onze de Juin dernier, dans l'après-midi, à une assemblée très nombreuse tenue à la porte de l'église de la paroisse de St. Rose (à laquelle assemblée le déposant a assisté par curiosité), Louis Hypolite Lafontaine, avocat de Montréal, et un des Représentants du comté de Terrebonne, a fait un long discours pour appuyer les résolutions ci-après mentionnées, et pour engager les assistants à les adopter. Que le déposant ne peut se rappeler la substance de ce discours, vu le long espace de temps qui s'est écoulé depuis ce jour, mais il se rappelle bien que ce discours a été applaudi par l'assemblée, qui a ensuite adopté les dites résolutions après avoir entendu les discours de plusieurs autres, qui ont parlé dans le même sens; entr'autres J. J. Girouard, notaire de St. Benoît, membre du Parlement Provinciale, et François Coiteux, Marchand, de Terrebonne.

Que les dites résolutions se trouvent dans la première et seconde colonne de la troisième page de la feuille publique intitulée "La Minerve," portant No. 36 du volume onze ci-annexé.

Que le déposant croit que ces résolutions et les discours plus haut mentionnés aient pour but de soulever le peuple de ce pays contre le Gouvernement de sa Majesté, d'exciter son mécontentement, pour l'engager à violer les lois de ce pays, et le porter à exciter en sa faveur la sympathie des Etats Unis, dont ils semblaient rechercher l'alliance. Et le déposant ne dit rien de plus, et a signé, lecture faite.

Assermenté devant moi,

(Signé)

P. E. LECLERC, J.P.

(Signé)

PAUL ROLLIN.

Montréal, 6 Déc. 1837.

(Copy.)

Michel Jacques Vilbor, Huissier, de la cité de Montréal, après serment prêté sur les saints Evangiles, dépose—

Que Dimanche, le onze de Juin dernier, dans l'après-midi, à une assemblée très nombreuse tenue à la porte de l'église de la paroisse de St. Rose (à laquelle assemblée le déposant a assisté), Louis Hypolite Lafontaine, avocat de Montréal, et un des Représentants du comté de Terrebonne, a fait un long discours pour appuyer le bruit de l'assemblée. Que le déposant ne peut se rappeler la substance de ce discours, vu le long espace de temps qui s'est écoulé depuis ce jour, mais il se rappelle bien que ce discours a été applaudi par l'assemblée, qui a ensuite adopté les résolutions ci-après mentionnée, après avoir entendu les discours de plusieurs autres, qui ont parlé avec violence au soutien d'icelle; entr'autres J. J. Girouard, notaire, de St. Benoît, membre du Parlement Provinciale, et François Coiteux, Marchand, de Terrebonne.

Que les dites résolutions se trouvent dans la première et seconde colonne de la troisième page de la feuille publique intitulée "La Minerve," portant No. 36 du volume onze ci-joint.

Que le déposant croit que ces résolutions et les discours plus haut mentionnés avaient pour but de soulever le peuple de ce pays contre le Gouvernement de sa Majesté, d'exciter son mécontentement, et pour l'engager à violer les lois de ce pays, et le porter à exciter en sa faveur la sympathie des Etats Unis, dont ils semblent rechercher l'alliance.

Et le déposant ne dit rien de plus, et a signé, lecture faite.

(Signé)

M. JACQUES VILBOR.

Assermenté devant moi,

(Signé)

JOS. SHARTES, J.P.

Montréal, 7 Déc. 1837.

#### Enclosure 2 in No. 12.

Extract of a Letter addressed by L. H. Lafontaine to J. J. Girouard, on the 18th February, 1839 :—

Enclosure No. 2.

"Rien de nouveau, si ce n'est qu'on parle de coercion: consolez vous; Viger et Papineau vous donneront vingt mille louis pour armer les Bonnets Bleus du Nord.—Abolissons le système féodal; autrement le vassal ne se réveillera jamais de son sommeil léthargique.

(Signé)

L. H. LAFONTAINE.

J. J. Gerouard, Ecuyer,  
St. Benoît.

COPY.

#### Enclosure 3 in No. 12.

Enclosure No. 3.

Alexander Maurice Delisle, Esq., of the city of Montreal, being duly sworn on the Holy Evangelists, deposeth and saith, that he is well acquainted with the hand-writing of



Louis Hypolite Lafontaine, Esq., of Montreal, having frequently seen him write. A letter bearing date the 18th day of February last, addressed to "J. J. Girouard, Esq., Notaire Public, M. P. P., St. Benoit," beginning with the word "Montreal," and ending with the words "J. Girouard, Ecuyer, St. Benoit," being exhibited to this deponent, he declares that the said letter is of the hand-writing of the said Louis Hypolite Lafontaine, as also the signature at the foot of the said letter, and further saith not.

(Signed) A. M. DELISLE.

Sworn before me at Montreal; this 24th December, 1837,

(Signed) P. E. LECLERC, J. P.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Enclosure No. 3.

Enclosure 4 in No. 12.

Procès Politique. La Reine vs. Nicolas et al., accusés d'avoir mis à mort, le 27 Novembre 1837, pendant l'insurrection, le nommé Joseph Armand dit Chartrand, l'un des volontaires au service de sa Majesté stationnés à St. Jean, cités, pour répondre à cette accusation, devant le tribunal ayant juridiction criminelle dans ce district, le 6 Août 1838, et acquittés par le Jury, le 7 Août 1838.

Enclosure No. 4.

Procès Politique.

Nicolas, Daunais, Gédéon et Joseph Pinsonneau.

Ces quatre individus, accusés d'avoir tué Joseph Armand dit Chartrand, le 27 Novembre, 1837, pendant les troubles, à l'Acadie, où il avait été fait prisonnier par un parti d'insurgés, comme espion au service des volontaires stationnés au village St. Jean, sont cités à la barre du tribunal ayant juridiction criminelle, le 6 Août 1838, après un emprisonnement de 9 mois. Ils comparaissent, et occupent au banc des prévenus l'ordre dans lequel leurs noms sont placés ci-dessus.

Il passe 9 heures et demie lorsque les juges prennent leurs sièges. Le ministère public est au complet. Messrs. Walker et Charles Mondelet occupent pour les prévenus.

Il y a moins de monde que Mardi, lors de la 2e comparution de Mr. Jalbert, impliqué dans l'affaire Weir.

M. le procureur général fait appeler les témoins à charge, dont bon nombre ne comparaissent pas.

François Nicolas est un homme d'environ 40 ans, d'une taille au-dessus de la moyenne et bien prise, habillé de noir, avec pantalon à raies bleus; il porte des favoris et a les cheveux un peu grisonnés; son maintien est noble et décent; sa physionomie spirituelle, annonce du caractère; ses manières sont dégagées, mais sans ostentation. Il prête une oreille attentive à la lecture de l'acte d'accusation et à tout ce qui se dit. Un léger mouvement de pitié ou d'indignation semble effleurer ses lèvres chaque fois que le greffier prononce les mots de "*poussés par l'instigation du diable*," formule surannée et qui trahit l'origine féodale du code criminel qui nous régit.

Amable Daunais, âgé d'environ 25 ans, est petit, et, quoique décent, son maintien n'a rien que de fort ordinaire. Il a le teint très brun et les traits assez prononcés; porte un gilet noir, veste jaune à raies oranges, et pantalon d'étoffe du pays.

Joseph Pinsonneau est un grand jeune homme effilé, qui a tout au plus 20 ans, et dont la physionomie, assez agréable d'ailleurs, annonce un peu l'insouciance; porte gilet d'étoffe du pays, veste noire, pantalon bleu, rayé.

Gédéon Pinsonneau, plus jeune et moins grand de beaucoup que son frère, vêtu comme lui, est porteur d'une physionomie intelligente, et dont la vivacité paraît être le trait le plus caractéristique.

Tous, en un mot, sont comme il faut, et très fermes.

Le greffier fait l'appel des jurés tels qu'ils se trouvent sur la liste du shérif.

Les prévenus en récusent 19, et le ministère public 6. On remarque une couple d'individus très officieux qui suggèrent à M. le procureur général de récuser plusieurs jurés. Un des jurés récusés se trouve l'être à la fois par les accusés et par la couronne; car au moment où M. Walker prononça le mot *challenge*, M. le procureur général l'articule aussi.

Un des jurés ayant été récusé par ce dernier, au moment où il mettait la main sur l'évangile, M. Walker objecte à la récusation, sur le principe qu'elle est inadmissible une fois qu'un juré a touché le livre. M. Mondelet soumet la question à la cour, qui décide dans la négative.

Le jury qui doit connaître du procès est formé; il se compose des personnes dont suivent les noms:—

Charles Rivet, <i>président</i> ,	Michael Cadieux,
Antoine Paré,	Joseph Perras,
Joseph Damour,	Antoine Normandin,
François Barbeau,	Charles Morin,
André Bouthillier,	François Boyer,
Hubert Chagnon,	Pierre Corbeil.

Lecture de l'acte d'accusation étant faite,

M. le solliciteur général O'Sullivan ouvre la procédure; il dit en substance, en s'adressant à Messrs. les jurés, que l'acte qu'on vient de lire contient deux principaux chefs d'accusation. En premier lieu, que François Nicolas se trouve impliqué comme principal, et les trois autres prisonniers, comme complices au premier degré. En second lieu, que le crime terrible dont il faut s'enquérir est celui de meurtre. M. le solliciteur général définit ce crime, en fait le tableau le plus hideux. Sa voix, tremblante, fait voir qu'il est en proie à un ressentiment, que

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6th May, 1839.  
Enclosure, No. 4.

son zèle ardent ne tarde pas à confirmer. Jamais peut-être, dit-il, dans les annales des procédures criminelles, on ne vit de crime aussi barbare, accompagné de circonstances plus aggravantes. Il raconte avec véhémence les détails de l'affaire, puis ajoute que rien ne peut justifier Nicolas ; qu'il agissait comme commandant ; qu'il s'était arrogé le droit de donner des ordres, les avait fait exécuter, et qu'il avait ainsi causé la mort à son semblable. Que si les faits sont tels qu'il les rapporte, et il se fait fort de le prouver, les autres prisonniers ne sont pas moins coupables. Quant à Gédéon Pinsonneau en particulier, dit M. le solliciteur, serait-il excusable parce qu'il est jeune ?—Non, messieurs, de pareilles considérations ne doivent pas vous préoccuper. Le crime dont il est accusé est trop grave pour que son âge puisse lui servir d'écran. Si en le commettant il savait ce qu'il faisait, vous devez le condamner et n'avoir pas plus pour lui d'indulgence que pour les autres. C'est la jeunesse qui dans tous les pays bouleverse l'ordre social, porte atteinte aux lois et aux principes sur lesquels reposent les autorités, ces principes conservateurs, messieurs, qu'il est de votre devoir comme du nôtre de maintenir. Il dit ensuite qu'on cherchera peut-être à faire croire que Joseph Pinsonneau a été porté à faire le mal contre sa volonté et qu'il agissait sous l'influence de la crainte. Il définit l'espèce d'influence qui peut excuser en pareil cas, avance qu'elle ne peut s'appliquer au prévenu, s'étend au long sur l'horreur de ce crime, et dit qu'il aurait pu devenir plus énorme en donnant lieu à un autre crime plus grand encore. M. le solliciteur général termine son allocution par un appel aux passions. Il rappelle aux jurés qu'ils sont probablement tous des pères de familles, qu'ils ont des fils sur lesquels ils doivent veiller et dont ils répondent en quelque sorte de la conduite ; qu'ils ne doivent pas oublier que s'ils ne rendent pas justice, les mânes de Chartrand sortiront du tombeau pour les accuser devant un tribunal suprême, et que leur conscience, bourrelée de remords, ne leur laissera pas un instant de repos. Il parle de leur soumission à leurs prêtres et cite le commandement de Dieu : *Homicide point ne sera de fait ni volontairement* ; il appelle le glaive de la justice sur la tête des coupables, le répète, et ne leur dit qu'une fois que s'ils croient les accusés innocents de ce dont on les accuse, de la déclarer. Il fait l'éloge du défunt, et compare l'affaire qui fait le sujet du procès à la fable du loup et de l'agneau. Il parle du ton le plus passionné, et achève en disant que le sentiment du devoir seul le fait agir, et non pas la passion.

Les témoins à charge, au nombre de plus de 30, sont appelés et conduits hors de cour dans une chambre à part, d'où ils viennent un à un comparaître, à mesure qu'ils en sont requis par M. le procureur général ; on permet à 5 d'entr'eux de rester en cour.

M. Charles Mondelet fait ensuite l'appel des témoins à décharge qui, sur sa requisition, sont conduits dans une chambre distincte de celle des autres.

Et on entre en preuve.

Etienne Langlois, interrogé par M. le procureur général, répond qu'il est menuisier et demeure à l'Acadie.

Le procureur général. Etiez-vous chez vous le 27 Novembre dernier ?

Langlois. Je ne me rappelle pas la date ; je crois que j'y étais ce jour-là.

Le proc. génl. Quelqu'un vint-il vous demander ?

Langlois. Non.

Le proc. génl. Etiez-vous en voyage à cheval ?

Langlois. Oui.

Le proc. génl. Fites-vous quelque rencontre ?

Langlois. Oui, je rencontrai M. René Garant et le jeune Pinsonneau.

Le proc. génl. Lequel des Pinsonneau ?

Langlois. Le plus petit. [c'est-à-dire Gédéon.]

Le proc. génl. Vous ont-ils parlé ?

Langlois. Oui, M. R. Garant m'adressa d'abord la parole.

Le proc. génl. Que vous a-t-il dit ?

Langlois. Qu'il fallait aller avec eux.

Le proc. génl. Racontez ce qui s'est passé alors.

Langlois. J'étais donc avec eux. Nous nous rendîmes chez Surprenant, l'aubergiste, au coin de la grande ligne à la fourche du chemin qui s'y trouve. Ils étaient 14, je faisais le quinzième. Ils étaient tous armés, à l'exception de Barthélemi Poissant, qui n'avait qu'un fourreau de baïonnette. Nous ne sommes restés là qu'un instant. Nous nous remîmes en route. Rendus chez Eloi Roi, grande ligne, ces jeunes gens s'occupèrent à se badiner ; ils riaient entr'eux. C'est là que j'entendis prononcer pour la première fois le nom de Chartrand, dont je n'avais jamais entendu parler auparavant, et qui n'était pas connu d'eux. Chez Eloi Roi, il n'y avait que les gens de la maison et le jeune Bissonnet. (Le témoin répond ici selon plusieurs interrogations de M. le procureur général.) Parmi nous se trouvaient M. Nicolas, Daunais, Joseph et Gédéon Pinsonneau, les quatre prisonniers à la barre. M. Nicolas se rendit chez David Roy avec Isaïe, fils d'Eloi Roy, je ne les vis pas entrer. Les autres demeurèrent chez ce dernier. On avait parlé de Chartrand, et je crois qu'il était chez David Roy. J'y fus ensuite aussi moi, avec les autres ; on me força d'y aller. Ils me dirent qu'il fallait absolument que je les accompagnasse, ils prirent ma jument par la bride et m'emmenèrent avec eux. Arrivés au pont de Paradis, une grande partie d'eux voulaient revenir sur leurs pas, M. Garant les en détourna. Garant commandait alors la bande. M. Nicolas et Isaïe Roy avaient dit, avant de partir pour chez David Roy, qu'ils y allaient pour examiner une maison en voie de construction. Ils revinrent chez Eloi Roy après avoir été absents pendant environ un quart d'heure.

Le proc. génl. Après le retour de Nicolas et d'Isaïe Roy, est-il arrivé quelque chose ?

Langlois. Oui, Flavie Mailloux vint et, sans s'adresser à personne, dit à la porte : " Le voilà qui s'en va, si vous voulez aller après," et Flavie Mailloux s'en alla aussitôt. On ne savait pas de qui il était question. Tous purent entendre. Personne n'avait été nommé. Je



sortis alors et vis Chartrand qui s'éloignait. Il prenait la route de Saint Jean. Garant et Nicolas dirent : " Oh ! gens, partez." Tous partirent.

Le proc. génl. Vous savez que le défunt se nommait Armand dit Chartrand ?

Langlois. J'ignore s'il se nommait Armand, je sais qu'on le nommait Chartrand.

Le proc. génl. De qui parlait-on ?

Langlois. Je ne sais pas de qui on parlait. Je ne connaissais pas Chartrand.

Le proc. génl. Dit on qu'on allait le suivre ?

Langlois. M. Garant et M. Nicolas dirent : " Oh ! partez."

Le proc. génl. Etait-ce aussitôt que Flavie Mailloux eut dit qu'il s'en allait ?

Langlois. Oui.—Tous les gens partirent,—ils étaient à jouer, M. Nicolas se trouvait parmi nous. Je ne pense pas qu'ils savaient alors précisément où ils allaient. René Garant me présenta son fusil en disant : " Tiens, je vais m'en procurer un autre."—Beaulieu, Ouimet et deux autres, prirent les devans.—Nous coupions le chemin à Chartrand.—Plusieurs purent le rejoindre à 15 arpens. Quatre jeunes gens le ramenèrent vers nous, c'est à dire du côté de Nicolas qui se trouvait derrière. M. Nicolas ne parla pas ; seulement il fit signe avec sa canne de passer par une barrière dans un champ. Nous y passâmes. M. Nicolas prit les devans, nous suivions. On se dirigeait vers une petite pointe de bois à environ 20 arpens des habitations. M. Beaulieu, qui était en avant, dit : " Arrêtez," se rendit avec Chartrand à Nicolas qui s'arrêta à son tour. Ce dernier demanda alors au défunt s'il était vrai qu'il eut dit : " Je sais où il y a des cochons et des bœufs gras?"—Chartrand répondit : " Je n'ai pas connoissance d'avoir dit cela."—Nicolas dit : " Vous l'avez dit, je l'ai entendu de mes propres oreilles,—vous pouvez faire votre acte de contrition." Il lui demanda aussi s'il y avait des volontaires à St. Jean. Après quoi, se tournant du côté des autres, il leur dit : " S'il a fait telles et telles choses (qu'on ne fait pas préciser au témoin) a-t-il mérité la mort?"—Plusieurs répondirent : " Oui, oui." Je ne saurais dire lesquels. Après cela, Beaulieu se trouvant près de Nicolas dit : " Feu." Il se peut que ce dernier l'ait dit aussi, mais je ne puis le certifier, il était trop éloigné de moi pour le remarquer.—Nicolas n'avait qu'un bâton à la main. Au mot *feu*, une décharge se fit. Il y en eut cinq qui tirèrent, Beaulieu, Joseph Pinsonneau et trois autres que je ne puis nommer, je ne les connoissais point.—Chartrand tomba, puis, se relevant sur ses genoux au bout d'une minute, leur demanda de l'achever.—Alors, Joseph Pinsonneau fut forcé par Beaulieu de tirer un second coup. Deux autres, Giroux et Ouimet, aidaient à Beaulieu ; ils chargèrent le fusil et commandèrent à Pinsonneau d'achever Chartrand, alors à terre se mourant. Je ne puis dire si ce dernier coup l'atteignit.—Il se débattait après les cinq premières décharges.

Un juré. Entendez-vous parler de décharges ou de coups de feu ?

Langlois. De coups de fusil. Chartrand gisait sur le côté lorsque le dernier coup fut tiré, il remuait encore lorsque nous sommes partis. Ni Daunais, ni Gédéon Pinsonneau ne tirèrent. Aucun de la bande n'approcha du corps de Chartrand, excepté Beaulieu.

Le proc. génl. Comment appelez vous l'endroit où le crime fut consommé ?

Langlois. Le fait est arrivé dans une pointe de bois, sur les terres qui se trouvent entre le petit Bernier et Beaujarret, peut-être sur celles de Beaujarret. Je crois que le terrain dépend de la paroisse de l'Acadie, c'est à environ une lieue et demie de St. Jean, district de Montréal.

Le proc. génl. Chartrand était-il mort quand vous partîtes ?

Langlois. Je crois qu'il mourut de suite.

Le proc. génl. Quelle direction prit la bande en s'en allant ?

Langlois. M. Nicolas gagna les Bernier, les autres se dirigèrent du côté d'Eloi Roy, où j'allai.

Le proc. génl. Quelle heure était-il ?

Langlois. On partit au soleil couchant.

Le proc. génl. De quel train Nicolas s'en allait-il ? S'il courait ?

Langlois. Il allait le pas.

Le proc. génl. Au pas accéléré ?

Langlois. Il marchait.

Le proc. génl. Après la première décharge, Chartrand n'a-t-il pas dit autre chose que ce que vous avez mentionné ?

Langlois. Il n'eut que le temps de dire : " Oh ! mon Dieu ! achevez moi." et il écrasa de nouveau.

Le proc. génl. Donnez nous le signalement du défunt.

Langlois. C'était un homme de haute taille, bien prise ; il portait un manteau de camelot.

Le proc. génl. N'était il pas marqué de petite vérole ?

Langlois. J'ignore s'il était *picotté*. Je ne le connaissais pas.

Le proc. génl. Lorsqu'on courait après lui pour le rejoindre, allait-il vite ?

Langlois. Il allait bon pas.

Le proc. génl. A quelle distance tira-t-on sur lui ?

Langlois. A deux perches et demie.

M. Charles Mondelet dit qu'on a peut-être oublié d'envoyer les témoins dans la chambre qui leur est destinée, attendu qu'ils sont encore dans le corridor, et qu'il importe qu'ils soient conduits ailleurs.

M. le juge en chef dit que la cour n'a pas fait acte d'auditorité à leur égard ; qu'elle n'a simplement que permis qu'on les fit retirer pour favoriser la demande qui en a été faite, et suggère d'envoyer quelqu'un auprès d'eux leur dire de ne pas entrer en cour ; que s'ils y viennent sans être appelés, ils ne seront plus reçus à déposer.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Enclosure No. 4.

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*Contre-examen.*

Etienne Langlois, interrogé par M. Mondelet, répond qu'il n'avait jamais entendu parler de Chartrand avant l'accident. Il craignait qu'en n'accompagnant pas la bande il lui arriverait du mal. C'est M. Garant qui le força de la suivre en arrêtant son cheval par la bride, lorsqu'il la rencontra sur la voie publique. Elle se composait de 14 patriotes, commandés par Garant. On disait qu'on allait à St. Charles. Le témoin comprit qu'on le menait au feu de St. Charles. La nouvelle du combat qui s'y livra n'était pas arrivée. Ceux avec qui il se trouvait ne parlaient que d'y aller, et on ne s'attendait pas à autre chose que de partir et de s'y rendre. C'était le 27 Novembre, le Lundi. Lorsqu'il rencontra ces jeunes gens, Garant lui dit : "Il faut que tu viennes." Rendus au pont de Paradis, 4 ou 5 d'entr'eux voulurent revenir sur leurs pas. Pas un seul des 14, avec lesquels il se rendit d'abord chez Surprenant, n'était marié. Il aperçut un homme qui s'éloignait, quelqu'un dit : "Voilà Chartrand." Il ne savait pas si c'était lui, car il ne l'avait jamais connu. Ils se rendirent chez Eloi Roy dans le dessein d'aller à St. Charles. La maison d'Eloi Roy lui parut être le rendez-vous où devaient s'assembler les patriotes de la localité avant de partir pour St. Charles. Les jeunes gens riaient entr'eux, et s'amusaient, tout en parlant de l'expédition projetée. Ce fut là qu'il fut question de Chartrand pour la première fois. Nicolas était chez Surprenant avec les autres et lui aussi, il parla d'aller à St. Charles ; mais il n'y fut nullement question de Chartrand. Nicolas demeurait tout près de chez Surprenant, de sorte qu'on ne devait pas être surpris de l'y voir. De-là on se rendit chez Eloi Roy pour gagner ensuite St. Charles. Daunais était un de ceux qui avaient un fusil. Le témoin ignore si on avait parlé d'une assemblée chez David Roy ; ne connaît que Nicolas et Isaïe Roy qui allèrent chez ce premier ; ne sait pas si Nicolas avait reçu des ordres, ni quels sont ceux qui se prononcèrent pour la mort de Chartrand. MM. Giroux, Beaulieu, et Ouimet étaient les chefs, ils étaient très-agissans, et on leur obéissait. Il ne peut dire qui donna le commandement de tirer sur Chartrand, il était troublé dans le moment, tous l'étaient plus ou moins. Beaulieu, Giroux et Ouimet étaient ceux qui se trouvaient alors le plus près de Nicolas. Joseph Pinsonneau était dans une agitation extrême, et Langlois était lui-même trop agité pour bien s'apercevoir de tout. Les 5 qui firent feu tirèrent ensemble, peut-être y eut-il l'intervalle d'un moment entre quelques-uns des coups. Chartrand était debout quand on tira sur lui. Il achevait de mourir lorsque fut tiré le dernier coup. Beaulieu ôta à Joseph son fusil violemment, le força à charger son arme. Joseph répliqua qu'il voulait pas tirer. Beaulieu lui remit de force son fusil dans les mains, lui disant : "Tire, si tu ne tires pas, je te ferai tirer." Beaulieu était extrêmement agissant, il lui dit que s'il n'agissait pas qu'il le ferait agir. Gédéon Pinsonneau ne tira pas, non plus que Daunais. Ouimet et Giroux aidèrent à charger le fusil et à contreindre Joseph à tirer.

M. Mondelet ayant demandé au témoin s'il aurait tiré dans de pareilles circonstances,

M. le procureur général s'y oppose, sur le principe que c'est-là une matière d'opinion.

MM. Mondelet et Walker répliquent ; ce dernier surtout soutient que ce n'est pas une matière d'opinion ; qu'il s'agit tout bonnement de savoir si lui, Langlois, qui était présent à l'affaire, et qui par conséquent est en état d'en juger, aurait fait ce qu'on attribue à l'un des Pinsonneau.

M. le juge en chef décide en faveur des officiers de la couronne.

L'interrogatoire de Langlois se continue. Il ignore quel coup a porté ; il est impossible de le dire. Beaulieu est celui qui avança le plus proche du cadavre. Il croit tout aussi bien que c'est Beaulieu que Nicolas qui a pu commander de faire feu. René Garant était resté chez Roy et était remplacé dans le commandement par Beaulieu. C'est Beaulieu qui donna l'ordre de faire passer Chartrand par la barrière, Nicolas n'avait fait qu'un signe avec sa canne.

Interrogé de nouveau par M. le procureur général, Langlois répond que, rendus chez Eloi Roy, quelques-uns des jeunes gens parlaient d'aller à St. Charles, d'autres de Chartrand. On ne se trouva pas assez nombreux dans le moment pour entreprendre l'expédition, et l'idée d'aller à St. Charles fut abandonnée. Lorsque Flavie Mailloux dit : "Le voilà qui s'en va," c'est après Chartrand qu'on allait. La route où il était pouvait conduire à St. Charles, mais ce n'était pas celle par laquelle on passerait ordinairement pour y aller. A la nouvelle de la prise de St. Charles par les troupes britanniques, on se dispersa.

Interrogé par M. le juge en chef, Langlois dit qu'on tira sur Chartrand à la distance de 2 perches et demie, et que le coup de feu de Joseph fut tiré à la même distance.

Barthélemi Poissant comparait comme le deuxième témoin à charge. Interrogé par M. le solliciteur général, il répond qu'il est âgé de 17 ans, et qu'il connaît les accusés ; il les nomme : il ne connaît pas Nicolas depuis long-temps. Nicolas était instituteur à l'Acadie. Le témoin dit qu'il demeure chez son père et qu'il fut emprisonné avant les fêtes de Noël pour affaire politique. Il ne connaissait pas Chartrand. MM. Ouimet et Giroux le commandèrent d'aller avec eux, pour aller en expédition contre St. Jean. Il partit avec eux. Il avait un fusil au départ et il le donna à Gédéon Pinsonneau. Ils le menèrent au pont de Paradis. Langlois était là. Ils allèrent ensemble chez Surprenant, y trouvèrent d'autres personnes qu'il ne connut pas. Les prisonniers s'y trouvaient parmi les autres. Il ne sait pas qui a dit : "Partons pour aller chez Eloi Roy." Ils étaient 13 ou 14.

De Surprenant à Eloi Roy il n'y a pas loin. Il ne sait pas qui a dit : "Partons pour aller chez Eloi Roy," où ils se rendirent, et où ils demeurèrent une heure et demie. Il ne vit sortir personne pour aller chez David Roy, mais quelqu'un dit : "Partons, il est temps." Il ignore si c'est Nicolas ou Beaulieu qui dit cela. Il ne fut pas question de Chartrand, on ne parlait que d'aller à St. Jean. Quelques-uns partirent, et, entr'autres, les prisonniers ; d'autres restèrent. Le témoin était au nombre des premiers. Quelques-uns dirent : "Allons après Chartrand." faisant allusion à quelque personne qui était sur la route et qu'on disait être Chartrand. Beaulieu, Langlois, Daunais, Ouimet et Pinsonneau l'atteignirent et revinrent avec



lui. Ils gagnèrent vers le bois. Il ne vit pas de barrière, mais il y avait une cloture, plusieurs passèrent par-dessus avec le témoin. Il ne sait pas si on fit passer Chartrand par la barrière. Il croit qu'on le rejoignit dans le chemin, entendit parler dans la pointe de bois. Nicolas demandait aux autres : "A quel genre de mort le condamnez-vous?" parlant de Chartrand, qui n'était pas bien éloigné des autres. Beaulieu répondit : "Il faut le fusiller." Il n'entendit pas d'autres personnes répondre. Beaulieu et Nicolas donnèrent l'ordre de tirer. Nicolas n'avait rien à la main. Plusieurs tirèrent. Il ne sait pas quels sont ceux qui tirèrent. Joseph Pinsonneau tira, mais non les autres prisonniers ; le premier tira deux fois, Beaulieu aussi, et Ouimet une fois ainsi qu'Etienne Langlois. On fit feu dès que l'ordre en fut donné. Chartrand tomba de la première décharge, et resta par terre. Après la première décharge il y eut plus d'un coup de tiré. Il ne peut pas nommer ceux qui tirèrent, Joseph Pinsonneau ne tira pas à la première décharge, mais il tira 2 fois. Il n'entendit pas parler Chartrand, et ne le vit pas se relever sur les genoux. On tira plus d'un coup après la première décharge, mais il ne sait par qui ils furent tirés. Il ne sut que plus tard, après le meurtre, que c'était Chartrand qui avait été tué. Les jeunes gens le nommèrent dans leurs causeries en revenant. Après la seconde décharge, les gens partirent tout de suite. Il ne sait s'il était vivant ou mort, ni si les prisonniers ont dit que c'était Chartrand.

Mr. le juge Rolland pose quelques questions au témoin, qui répond qu'après qu'on eut rappelé Chartrand, on ne lui dit pas ce qu'on allait lui faire, on ne le savait pas.

*Contre-examen.*

Mr. Mondelet interroge. Poissant dit qu'il n'avait jamais vu Chartrand, et ne savait si cet homme (parlant du défunt) était Chartrand. Garant nous ordonna d'aller chez Roy. Garant commandait, il paraissait être le capitaine. Je ne sais pas s'il était question d'aller à St. Charles, mais on parlait de marcher sur St. Jean. J'obéissais à Garant et ne suivis ses gens que parce qu'il me l'avait commandé. On ne parla pas de St. Jean chez Eloi Roy. En nous rendant chez Surprenant, Langlois était de la bande. Je donnai mon fusil à Pinsonneau. Il est certain que Langlois a tiré. Daunais et le jeune Pinsonneau refusèrent de tirer. Beaulieu et Nicolas commandaient depuis chez Roy. Chartrand était à terre lorsque Beaulieu arracha le fusil de Joseph Pinsonneau, le chargea et lui ordonna de tirer. Pinsonneau était très ému, j'étais moi-même troublé, et il était comme fou ; il avait l'air d'avoir peur de Beaulieu et de n'agir que parce qu'il le commandait. Je peux dire que Beaulieu et Nicolas ont commandé de faire feu. J'étais assez troublé pour n'avoir pas tout bien compris, tellement que je ne pourrais pas bien rapporter ce qui s'est alors passé. Il est possible que je n'aie pas tout entendu. Il se peut que j'aie dit que j'étais alors sans connaissance. On tira aussitôt que Beaulieu l'eut ordonné. Après l'affaire je retournai chez Eloi Roy. Je ne me rappelle pas qui a tiré la première fois. J'étais en arrière des autres et suis resté à la même place tout le temps. M. Beaulieu chargea le fusil de Joseph Pinsonneau la première fois qu'il a tiré.

Jacques Surprenant, 3e témoin à charge, dépose : Je suis aubergiste, et je demeure à l'Acadie ; j'y étais en Novembre dernier. Un jour, je ne puis dire si c'est le 27, j'aperçus 12 à 15 jeunes gens qui venaient chez moi. Je ne puis pas dire si tous les prisonniers en étaient ; René Garant et François Nicolas en formaient partie. Ils sont demeurés un quart d'heure ou une demi-heure chez moi, et ils sont tous repartis ensemble pour aller chez Eloi Roy. Nicolas portait un pavillon. Il s'agissait de se rendre à St. Charles. J'allai chez Eloi Roy pour les détourner de leur projet. Il y fut question d'arrêter un nommé Chartrand. Je ne le connaissais pas, je ne savais pas où il était. Aucun des prisonniers ne savait où était Chartrand. J'ai entendu dire chez Eloi Roy qu'il fallait le faire prisonnier. Il a été question de chaînes, je ne sais à qui on les destinait. Je suis allé chez David Roy ensuite, avec Isaïe Roy. Je vis un homme que David Roy me dit être Chartrand. Je mentionnai à Mr. David Roy qu'on avait parlé chez Mr. Eloi Roy d'arrêter Chartrand, et lui demandai s'il était d'opinion à fournir des liens pour le garotter ? David Roy dit qu'il n'était pas vrai qu'il voulait fournir des chaînes ou des cables pour attacher Chartrand. Celui-ci avait un manteau de camelot bleu et une ceinture rouge, une canne à la main ; il était grand et pouvait avoir de 35 à 40. Je crois sincèrement que c'était Chartrand. Parti de-là, je suis en ré chez Eloi Roy, d'où je partis l'un des premiers pour retourner chez moi. Je n'ai vu Nicolas que chez Eloi Roy avant qu'ils soient partis. J'ai dit que j'avais vu Chartrand chez David Roy. En prison, les prisonniers ne m'ont rien dit. Chez Eloi Roy quelqu'un des prisonniers me demanda s'il était chez David Roy, je ne puis dire lequel. Nicolas était chez Eloi Roy, et doit m'avoir entendu le dire, quoique je parlasse avec d'autres. J'ignore si les autres y étaient ; je crois y étaient, mais je n'en suis pas certain.

*Contre-examen.*

Garant commandait et ils lui obéissaient implicitement. On me demande si j'avais invité M. Nicolas à venir chez moi ce jour-là ; je n'invite personne, moi. On ne parlait que d'aller à St. Charles. J'ai compris que d'autres patriotes devaient venir en bandes et se rallier chez M. Eloi Roy, dont la maison était regardée comme le rendez-vous général. On disait dans la paroisse que Chartrand était un mauvais homme, qui s'était vanté de vouloir mettre tout à feu et à sang dans la côte, un homme que l'on redoutait beaucoup. Lorsqu'on a parlé de cordes, il n'était question que de le faire prisonnier. Tout se disait ouvertement, on n'en faisait aucun mystère. C'est ainsi qu'on a parlé d'arrêter Chartrand, et tout le monde doit avoir entendu, vu cette franchise, je me serais aperçu s'il se fut agi d'autre chose. Je ne sais pas si Nicolas entendit dire que Chartrand se trouvait chez David Roy.

No. 12.  
Sir John Colborne  
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6th May, 1839.  
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M. le juge Rolland : Etiez-vous tous chez Eloi Roy quand vous êtes partis ?

Surprenant. Oui.

Eloi Roy, 4e. témoin à charge, dépose qu'il est cultivateur à l'Acadie. Il était chez lui à la fin de Novembre dernier. Étant à dîner tranquillement avec sa famille, une brigade de 10 à 12 jeunes gens, en parti armés de fusils, s'est arrêtée chez lui. Il ne saurait dire qui les commandait. Parmi eux se trouvait M. François Nicolas, qui exerce la profession d'instituteur depuis 2 ou 3 ans à l'Acadie. Il croit qu'un ou deux de ces jeunes gens avaient des baïonnettes. Ils se proposaient d'aller à St. Charles, et dirent qu'il devait y avoir assemblée chez lui. Il leur conseilla de ne pas aller à St. Charles. Là-dessus, Nicolas aurait dit que s'ils n'allaient pas à St. Charles il faudrait prendre Chartrand, donner des chaînes pour s'en assurer, et le mettre dans la cave en prison. Le témoin refusa. Nicolas lui demanda des cordes pour l'attacher, même refus de la part d'Eloi Roy. Quelqu'un de la bande dit que puisqu'ils n'avaient pas de place pour le mettre, il fallait le tuer. Cela fut dit assez haut pour que tout le monde pût l'entendre. On prit ces paroles pour un badinage. Il ne connaît pas les autres accusés. Il a connu Surprenant, Langlois, et Garant. On disait que Chartrand voulait brûler la grande ligne et s'emparer des biens. Le témoin suggéra de lever une prise de corps et de l'aller prendre. Monsieur François Nicolas a dit : " Quel diable pourrait le prendre à Saint Jean ? "—Le témoin croit que Surprenant est allé chez David Roy, et qu'il est revenu chez le témoin, alors absent. Nicolas a dit : " Oh ! oh ! partons, il est temps. " Il avait un pavillon lorsqu'il est entré chez le témoin, qui est frère de David Roy ; il croit que Jacques Surprenant est parti pour aller chez David et qu'il en est revenu. Tous sont partis. Nicolas a laissé son pavillon chez le témoin, qui ne peut dire comment il était habillé. Il a vu un homme à huit arpens de lui qui s'en allait. Ne put pas distinguer si c'était Chartrand ; il était en avant ; il disparut à 10 arpens du témoin. Nicolas est monté sur la terre de ce dernier et les autres sur celle du voisin, en gagnant du côté de St. Jean. Les jeunes gens ont suivi Chartrand. Il a vu Etienne Langlois avec quelques autres qu'il ne connaît pas, sur le soir, et leur a demandé ce qu'ils avaient fait du prisonnier. Langlois dit qu'il n'avait pu le rejoindre. Le témoin n'a plus alors vu Nicolas ; n'a su que par après que Chartrand avait été tué, et n'a jamais vu le cadavre.

#### *Contre-examen.*

Le plus grand nombre de ces jeunes gens lui étaient inconnus. Il fut dit parmi eux qu'ils allaient à St. Charles.

David Roy, 5e témoin à charge. Il est cultivateur à l'Acadie. Il connaît Nicolais, mais non les autres, et demeure à 2 arpens d'Eloi Roy. Il fesait construire une maison, et n'a connu Chartrand que l'espace d'un mois ; c'était un homme robuste. Il était venu chez le témoin demander de l'argent. On était alors à l'époque où les guérets sont finis—après la Toussaint. Chartrand demanda de l'argent au témoin, mais celui-ci ne lui en devait pas, et lui répondit qu'il n'en avait pas. Ils se sont parlés en amis. C'était l'avant-dîner. Jacques Surprenant est allé chez le témoin pendant que Chartrand y était, l'a pris par son gilet, l'a conduit dans une chambre à l'écart, et lui a demandé des chaînes ou des cordes pour emprisonner Chartrand chez le témoin, qui répondit qu'il ne se mêlait pas de ces affaires-là. Surprenant sortit aussitôt. Le témoin n'en a rien dit à Chartrand, qu'il invita alors à dîner, mais ce dernier refusa. Surprenant et Bouchard passèrent alors s'en allant chez eux. Il ne vit personne suivre Chartrand ; qui partit sur les 2 heures et demie. Beaulieu est allé chez le témoin, avec Surprenant, mais il ne lui parla pas de Chartrand. Il vit à 12 arpens de chez lui ce dernier, qui s'en allait du côté de Beaujarret, mais ne le vit pas au-delà.

François Surprenant, 6e témoin à charge, demeure à l'Acadie. Le capitaine René Garant vint me commander pour aller à St. Jean, il était accompagné de 5 ou 6 patriotes ; aucun des prisonniers n'y était. Je suis allé avec lui chez Mr. Eloi Roy, grande ligne. Avant d'y arriver nous avons rencontré Mr. Nicolas chez Jacques Surprenant ; il avait un pavillon à la main. Je partis de chez moi sur les 8 heures du matin, et arrivai, à 2 lieues de-là, chez Mr. Eloi Roy vers midi. Mr. Nicolas sortit, mais j'ignore où il est allé, il ne revint qu'au bout d'une demi-heure, entra et dit : " Oh ! Oh ! partons, il est temps. " Plusieurs avaient des fusils, ils étaient en tout 9 ou 10 ; ils partirent, en prenant le champ, je ne sais pour où aller ; car ils ne l'avaient pas dit. Je les abandonnai. Je n'ai pas connaissance qu'il fut question de Chartrand. Nicolas ne parla pas à tous, il avait parlé à Beaulieu.

#### *Contre-examen.*

J'ai été forcé de marcher par le capitaine Garant, qui était armé et accompagné de 5 ou 6 hommes aussi armés, et dont deux avaient des baïonnettes. J'ai cru plus prudent d'obéir que de résister. Garant agissait sur les autres comme quelqu'un qui commande. Ils ne dissimulaient pas leur intention d'aller à St. Jean.

Pierre Beaulieu, 7e témoin à charge, huissier, de l'Acadie. Le 27 Novembre dernier, il s'est trouvé chez un nommé Lord à Beaujarret, sur les 3 heures de l'après-midi. Il a vu passer plusieurs personnes venant du côté de la grande ligne, parmi lesquelles il a reconnu de vue tous les prisonniers, ils n'étaient pas tous armés ; Nicolas ne l'était pas ; il a parlé à Langlois, qui ne lui a pas répondu. Ensuite il vit Nicolas et lui demanda où ils allaient ; il répondit qu'ils couraient après un homme qui voulait mettre le feu. Il continua sa route. Nicolas n'était pas à la tête de la bande. Il leur a crié : " Attendez-moi, mes gens. " Le témoin a parlé à son fils Beaulieu et l'a prié de rester avec lui ; son fils lui a répondu qu'il ne ferait pas de mal, et qu'il reviendrait aussitôt ; n'a pas vu arrêter Chartrand, s'étant immédiatement mis à écrire. Il a vu revenir des jeunes gens vers la brune, dans le champ, gagnant la grande ligne.



*Contre-examen.*

Il a reconnu Langlois comme étant un des plus avancés. Il ne peut pas dire si la bande s'est arrêtée lorsque Nicolas lui a dit de l'attendre.

Isaïe Roy, fils d'Eloi Roy, 8e témoin à charge. Vers le 27 Novembre dernier il demeurait chez son frère, et était dans la grange lorsque les jeunes gens sont arrivés. Il ne peut pas les nommer tous. Il a vu Nicolas, et ne connaissait pas les autres, ce dernier avait un pavillon. Surprenant a demandé au témoin de l'accompagner chez D. Roy; il est allé avec lui, lui disant qu'il voulait voir la construction de la maison. Le témoin s'y est rendu, Surprenant est allé à l'écart avec D. Roy. Chartrand y était, le témoin le connaissait. Il n'a pas vu Nicolas chez E. Roy, est retourné chez son père avec Surprenant, n'a pas vu Chartrand sortir de chez D. Roy. Ils ont été un quart d'heure dans la maison, ne peut dire qui a porté la parole, lorsqu'il s'est agi de sortir. Il n'a entendu personne crier qu'il était temps de partir. Ils ont pris le champ. Chartrand avait un manteau de camelot, le témoin ignore s'il avait une ceinture rouge.

*Contre-examen.*

Il pense que c'est Garant qui les commandait, ce dernier était à leur tête. Il était le plus agissant.

J. Bte. Tremblay, 9e témoin à charge, habite l'Acadie. Garant est allé le commander avec plusieurs autres, les prisonniers n'en étaient pas. Il a rencontré les deux Pinsonneau, et Nicolas qui portait un pavillon en arrivant à la grande ligne. Ils sont allés chez E. Roy, il était deux heures et demie. Surprenant était là. Il n'a pas vu ce dernier aller chez D. Roy. Ils restèrent deux heures chez E. Roy.

Et les autres sont partis avant lui; il a entendu Nicholas dire, "Partons, il est temps." Quelqu'un le traita de lâche; il ne peut dire lequel. Ils prirent les champs. Ils étaient encore chez E. Roy, lorsque quelques-uns des jeunes gens sont revenus, entr'autres les trois jeunes prisonniers. Ils sont revenus une heure ou une heure et demie après leur sortie de la maison d'Eloi Roy. Il est reparti avec eux de chez E. Roy; il ne lui a pas parlé de ce qui s'était passé, il ne fut pas question de Chartrand.

*Contre-examen.*

Le capitaine Garant commandait les 5 ou 6 qui étaient avec lui. Il lui a dit qu'ils devaient se réunir chez E. Roy. Garant lui a dit, s'il ne voulait pas marcher, qu'il le ferait marcher de force. Ils devaient aller prendre St. Jean. Ils ne lui ont parlé que d'aller à St. Jean, et c'est R. Garant qui lui a donné un fusil.

Guillaume Bourque, 10e témoin à charge, demeure à St. Jean; est menuisier, travaillait chez David Roy le 27 Novembre dernier, a connu Chartrand, a demeuré avec lui à St. Jean dans la même maison. Chartrand est venu chez David Roy vers 11 heures du matin: "Bonjour," dit-il en entrant; il avait un manteau violet, ceinture rouge, casque gris; c'était un homme grand, bien pris, doux, paisible, et qui aimait à rire. Il ne connaît pas de mal de Chartrand; il était venu demander de l'argent à Mr. David Roy. Je suis allé avertir Mr. Roy que Chartrand le voulait voir. Il se sont souhaités le bonjour, ont causé ensemble. Avant de partir il a demandé de l'argent à Mr. Roy, qui lui a dit que, quoiqu'il n'eût pas achevé son entreprise, s'il avait de l'argent il lui en donnerait; qu'il irait en ville vendre 7 paires de bœufs, et qu'à son retour il lui donnerait de l'argent. On a vu passer une vingtaine de patriotes; un d'eux avait un pavillon, c'était Nicolas. Beaulieu, Jacques Surprenant, et Jean Bte. Mailloux sont venus chez Mr. David Roy. Surprenant a pris Roy à l'écart, je n'ai pas entendu ce qu'ils ont dit, ils parlaient tout bas; Beaulieu y est entré ensuite et a demandé à Roy les noms de ses témoins. Mailloux n'a fait aucune demande à Beaulieu. On ne parla pas de faire quelqu'un prisonnier. Surprenant a salué Chartrand en passant, et est parti avec les autres au bout d'un quart d'heure. Chartrand est parti une heure et demie après, il tenait son casque à la main et allait vers St. Jean, dans la direction du Beaujarret. Je vis trois hommes qui avaient pris le champ pour aller après, mais je ne les ai pas reconnus; cinq autres avaient pris la même route que Chartrand.

Examiné par M. Mondelet, le témoin dit qu'il ne connaît pas René Garant, mais qu'on lui avait dit qu'il était dans la brigade.

Joseph Berthiaume, 11e. témoin à charge, dépose: Je demeure à Blairfindie (comté de l'Acadie), au Beaujarret. Je connais Nicolas, je n'ai point connu Chartrand. Le Beaujarret est une pointe de bois à 20 arpens du chemin. J'étais, le 27 Novembre dernier, chez le fermier de M. Bourassa, mon *bourgeois* (maître.) La pointe de bois commence où finit sa terre, et a deux arpens et demi de largeur, sur 5 arpens de front, se trouve sur la terre du capitaine Eloi Roy, est à peu près à 3 quarts de lieu de chez David Roy, et à 30 arpens de la maison où j'étais. On peut voir à cette distance, mais pas assez pour reconnaître. Je vis passer 3 hommes qui venait de la grande ligne, je reconnus Etienne Langlois et Jean Beaulieu, dont le père se trouvait ce jour là chez Henri Lord. Le premier avait un fusil, je n'en ai pas vu aux autres. Ils suivaient le chemin du Beaujarret. Je demandai à Langlois où ils allaient, il me répondit: "On emmène cet homme." Au bout d'un instant j'en vis 7 autres venir, au nombre desquels se trouvait Nicolas, qui se tenait par derrière, il n'avait rien à la main. Il y avait parmi eux un homme qui portait manteau, casque et ceinture. Ils gagnèrent le bois, où je ne les vis pas entrer. On était alors au 27 Novembre. Mon *bourgeois*, soupçonnant quelque chose, regarda au calendrier et me fit ainsi remarquer le quantième du mois. Ils marchaient au pas ordinaire. Nicolas était seul à environ 6 arpens du chemin. Il y en avait 7 par derrière et 1 par devant. C'était vers 3 heures et demie de l'après-midi. Je partis seul avec mon *bourgeois*. Son fermier se nomme Ouimet. Je ne suis point allé à la pointe, mon *bourgeois* y a été.

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M. le juge Rolland lui demande à quelle distance il a vu ces hommes monter? Il répond qu'ils étaient dans le chemin qui passe près de la maison où il était. La barrière reste ouverte, c'est un chemin ordinaire.

François Bourrassa, 12e témoin à charge, dépose: Joseph Berthiaume est à mon service depuis plus d'un an. J'ai un fermier au Beaujarret, j'y suis allé en Novembre dernier; il se nomme Joseph Ouimet. Sa femme travaillait à une maison pour David Roy; elle me dit: "Voilà Chartrand qui passe, il n'y a pourtant pas long-temps qu'il est passé pour aller chez M. Roy; il s'en retourne bien vite." Je ne me suis pas levé pour le voir. Une minute ou deux après, cette femme me dit: "Regardez donc tout ce monde qui court." Cela me fit regarder: "Voilà Etienne Langlois qui passe avec un fusil sur son épaule," dit-elle. C'était vrai. Je fus saisi de voir les jeunes gens avec leurs armes. Langlois en suivait 3 ou 4, je ne sais s'ils couraient. Ce premier trottnait. Je suis parti aussitôt qu'il fut passé pour aller chez moi. J'ai rencontré des gens que je ne connaissais pas. Je n'ai pas connu Nicolas. Je vis deux hommes arrêtés près de chez mon voisin, l'un était un gros homme (vêtu d'un surtout bleu ou noir) qui faisait des signaux, sa tête était couverte d'un casque. Il pouvait être de la taille de Nicolas, mais je ne puis pas dire que c'était lui; j'en étais à 3 arpens. Il était dans le chemin. Il faisait froid, il était tombé un peu de neige. Je vis aussi deux personnes dans le champ après avoir passé Langlois. Celui qui faisait les signaux partit, l'autre resta où il était. Ces gens, lorsqu'ils sont partis de-dessus la terre de mon voisin, ne paraissaient pas aller à la pointe du bois, ils ont pris le milieu de ma terre, et c'est ensuite qu'ils ont gagné vers cet endroit. Je n'ai pas vu de baton à la main de celui qui faisait des signaux. Je n'ai pas vu d'autres personnes, excepté deux jeunes gens dont un était, je crois, armé. J'eus des soupçons par rapport aux troubles, je crus que l'on voulait emmener le monde de force. Le signal ne paraissait pas indiquer la pointe de bois. J'entrai chez moi et regardai où ils allaient. Je n'ai pas regardé au calendrier pour dire quel était le quantième. J'entendis des coups de fusil, plusieurs à la fois, d'une première décharge, et un seulement d'une seconde. Il y eut entr'elles l'intervalle nécessaire pour charger un fusil. Je vis de la fumée s'élever dans la pointe. Mon voisin, à qui je demandai s'il savait ce qui se passait, me dit que c'était un prisonnier et qu'il craignait qu'on ne le tuât. A quoi je répondis: "Pardon; si c'est un prisonnier, il aura tenté de s'échapper, et ils auront tiré pour l'effrayer."

Ils sont revenus dispersés en gagnant la grande ligne, excepté un qui n'a pas suivi les autres. Le petit Bernier est dans St. Jean. Le lendemain je suis allé vers la pointe, pensant qu'on aurait peut-être tué un de mes moutons. J'aperçus à terre un homme dont l'habillement ressemblait à celui de Chartrand. Je ne m'en suis pas approché à plus d'un arpent et demi. Je le crus mort. Je l'ai dit à ma femme. Le Mercredi je suis allé chez M. le Curé, et le lendemain au petit Bernier. Je me suis trouvé avec François Eloi Roy chez Gédéon Roy. Le capitaine Roy me demanda si je savais qu'il y eut un homme mort dans sa pointe. Je répondis que non. Il choisit un autre et moi, et nous y fumes. On trouva cette homme couché sur le ventre, les mains jointes sur une joue. Il était au même endroit où je l'avais vu la première fois et où j'avais vu la fumée s'élever. J'étais présent à l'examen du cadavre; il avait une ouverture dans le bas-ventre, puis une sous le sein gauche, à ce que je crois, de biais.

Le docteur Arnoldi, père, à la requête du ministère public, demande au témoin ce qui lui fait croire que la blessure était de biais. Le témoin répond, qu'il pensait ainsi par rapport à la position de l'ouverture.

M. le juge Rolland veut savoir si la direction de cette blessure donnait à l'intérieur ou à l'extérieur? Le témoin répond qu'elle était de biais par l'intérieur.

On traduit les réponses du témoin touchant les blessures à deux autres médecins qui n'entendent pas le Français.

Répondant à M. Mondelet, le témoin dit que le capitaine Roy reste de l'autre côté de la pointe, au petit Bernier. Le jour en question et le lendemain on ne parlait absolu que politique.

W. McGinnis, 13e. témoin à charge, demeure à St. Athanase. On disait, en Novembre, qu'il y avait un cadavre dans le bois de M. Eloi Roy. Je suis allé chez M. Macrae, et le lendemain matin nous avons été avec des volontaires lever le corps. J'ai connu Chartrand. Il était doux, d'un bon caractère; il n'était pas homme à faire tort à personne. On a trouvé son cadavre dans le bois; il avait un manteau, et n'avait plus sa ceinture. On a fait l'examen du corps. Il avait deux blessures de balles, une au sein gauche ou droit, et l'autre au dos. Je ne puis dire si les balles sont entrées par devant ou par derrière.

Le docteur Arnoldi demande si la blessure du sein communique à l'ouverture au dos. Le témoin dit qu'il croit que la blessure au dos est celle du bas ventre.

M. Mondelet dit, qu'il désire donner toute latitude possible aux débats, et que son savant confrère (M. Walker) et lui n'ont apporté aucune entrave à l'investigation de l'affaire, mais que cependant il doit s'opposer à ce que l'on permette au docteur d'interroger sur une question aussi importante que celle de la direction des blessures, et que les savans messieurs qui sont chargés de l'accusation sont tout-à-fait compétens à interroger sur ces matières.

M. le juge en chef s'empresse de rejeter la proposition des défenseurs.

M. le procureur général interroge ensuite le témoin, qui répond qu'une balle tirée d'un fusil Canadien, à la distance de 2 perches et demie, peut traverser le corps d'un homme. Chartrand, ou plutôt son cadavre, était sur le dos, il n'était pas changé, mais ses traits se sont beaucoup altérés du moment qu'il a été retourné. Le témoin avait vu Chartrand quelques jours auparavant; il paraissait se bien porter alors, car il marchait rapidement.

Répondant à M. Mondelet, il dit que 2 balles seulement ont dû faire les 4 ouvertures que l'on voyait au cadavre.

M. Walker rappelle ici à la cour, qui avait décidé la veille d'ajourner à 5 heures et demie, qu'il est près de 6 heures.



Wm. Macrae, 14e. témoin à charge, juge de paix, qui assista à la levée du corps, corrobore le témoignage de Mc Ginnis.

Le Dr. Arnoldi, 15e. témoin à charge, dit (en riant) qu'il pratique la médecine et la chirurgie depuis plus de 50 ans, et que deux balles qui auraient traversé le corps d'un homme de la manière dont les témoins l'ont rapporté, suffisaient pour produire la mort. Il dit qu'il était chasseur dans son jeune temps, et croit qu'une balle à la distance mentionnée peut percer un corps humain de part en part.

Le Dr. Crawford, 16e. témoin à charge, dit qu'il a servi comme chirurgien dans l'armée Anglaise pendant 18 ans, et corrobore ce qu'a dit son confrère.

Ici la cour ajourne.

Le lendemain, le Vendredi, 7 Septembre, 1838, la cour reprend sa séance vers 9 heures du matin. L'affluent est plus grand encore que la veille, et l'anxiété est visible sur tous les visages.

On procède immédiatement à l'audition des témoins pour compléter la preuve de la part de la couronne.

Jean Baptiste Mailloux, 17e. témoin à charge, dépose: Je demeurais chez D. Roy en Novembre dernier. Chartrand y vint vers dix heures du matin; il paraît qu'il avait des affaires, ayant entrepris d'achever la maison de M. Roy. Je vis passer une bande de jeunes gens, Nicolas à leur tête, un pavillon à la main. Ils arrêterent chez E. Roy. Plusieurs personnes, notamment Jean Beaulieu, Jacques Surprenant et Isaïe Roy, vinrent chez M. Roy. Je ne puis dire si elles étaient de la première bande. Plusieurs s'entretenaient avec M. Roy à l'écart. Les jeunes gens parlèrent de St. Charles. Chartrand leur disait ce qui s'y était passé. Il partit et gagna le Beaujarret. Il avait un casque gris, ceinture rouge, manteau bleu. Je ne remarquai pas quelle route prirent les autres.

Répondant à M. Mondelet, il dit que la seule chose que M. Nicolas portait à la main était un pavillon.

Julie Chamberland, 18e. témoin à charge, épouse de Joseph Ouimet, fermier de M. Bourrassa. On a vu passer Chartrand, il allait le pas, se dirigeant vers St. Jean. Langlois le suivait avec plusieurs autres. Je ne connais des prisonniers que les deux Pinsonneau, et n'en ai vu aucun d'eux alors. Je vis passer Chartrand le matin et retourner le soir, un peu avant le départ de M. Bourrassa, il était habillé comme le matin. Je ne remarquai rien de particulier; il allait le pas du côté de St. Jean; je vis Langlois qui suivait dans la même direction; ce dernier était accompagné de 4 ou 5 autres que je ne connais pas. Je crois que c'étaient des jeunes gens qui prenaient les hommes pour les faire marcher. Je fermai ma porte aussitôt. Je ne sais pas s'ils allaient vers la pointe. Chartrand passa une demi-heure avant Langlois. Langlois allait le pas. Je n'entendis pas de coups de fusil. Ils revinrent tout de suite.

Interrogée par M. Mondelet, Madame Chamberland dit qu'elle craignait qu'on ne voulût forcer son mari à marcher pour aller à St. Charles.

David Lord, 19e. témoin à charge, demeure au Beaujarret; a vu un Lundi en Novembre passer du monde, notamment Chartrand, qui allait à la grande ligne; l'a vu revenir vers 3 ou 4 heures du soir. Plusieurs autres individus passèrent ensuite. Il n'a connu que Langlois. Il ne connaît pas les prisonniers. Quelques-uns couraient. Il y en avait un qui avait l'air de conduire les autres, et qui se tenait par derrière. Ils avaient rejoint Chartrand et l'emmenaient avec eux. Le témoin a été à la pointe de bois le Mercredi, a vu un homme à terre à une certaine distance, ne sait s'il était mort ou en vie, ni comment il était habillé, . . . il avait un manteau; il lui semble que c'était Chartrand.

M. le Juge en chef veut savoir si la pointe de bois est sur la terre du témoin ou bien sur celle de son voisin. Le témoin répond qu'elle est à 20 arpens de chez lui.

Benjamin Holmes, 19e. témoin à charge, demeure à St. Luc. Chartrand était de St. Jean, il était maçon. Le témoin l'a toujours connu pour un homme doux, sobre et paisible. On disait que quelqu'un avait été assassiné. Le petit Bernier est dans la paroisse de St. Jean. Il alla accompagner M. Macrae et un détachement de volontaires pour aller sur les lieux, y trouva le défunt à l'entrée du bois. Les blessures paraissaient avoir été faites par des balles.

John Beatty, 20e. témoin à charge, dépose: J'étais un de ceux qui allèrent prendre les accusés. Je pris les deux Pinsonneau et Daunais. Joseph était à 3 à 400 verges de Sherington, et les autres à quelque distance de-là. Je ne crois pas qu'ils allaient aux Etats-Unis. Ils étaient sur le chemin de Champlain. Je vis Daunais livrer une lettre entre les mains de M. Douglas; elle venait, je crois, de Champlain.

James McGillevry, 22e. témoin à charge, demeure à Sabrevois; il est juge de paix, et l'était en Novembre dernier. Après la mort de Chartrand, il fit des recherches et prit tous les moyens pour découvrir ceux qui en pouvaient être les auteurs. On impliquait Nicolas et quelques autres. Le 18 Janvier au soir, une personne vint l'avertir à St. Athanase qu'il y avait des individus suspects à une lieue d'où il était. Le lendemain au matin, après déjeuner, il se rendit à la maison voisine de celle où l'on disait que les personnes suspectes se trouvaient. On lui dit qu'il y était venu un homme, mais qu'il en était parti. Là-dessus il se rendit chez le voisin et finit par y découvrir Nicolas dans la partie supérieure de la maison. Nicolas se rendit aussitôt prisonnier et refusa de se laisser lier. Il était sans armes. Le témoin fouilla un paquet qu'avait le prisonnier, mais n'y trouva rien de compromettant, et après avoir gardé ce dernier du Vendredi au Lundi, le mena à Montréal où il fut incarcéré.

*Contre-examen.*—Mr. Walker interroge le témoin, qui répond qu'il avait fait une enquête sur l'affaire, mais qu'il n'écrivit rien.

M. le procureur-général interroge, le témoin se répète.

M. Walker l'examine de nouveau, et le témoin dit: L'affaire eut lieu vers la fin de Novembre. Je sus qu'un homme avait été tué. On me dit au commencement de Décembre

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que Nicolas était absent aux Etats-Unis où beaucoup de personnes s'étaient rendues, au nombre de je ne sais combien. Nicolas assura que pour sa part il n'y était pas allé. Il ne fit aucune résistance lors de son arrestation. Le paquet dont il était en possession me fut présenté par lui, avec l'invitation de l'examiner; je le pris.

Ici se clos l'enquête de la part de la couronne.

La parole est aux défenseurs.

M. MONDELET s'adresse au jury :—

Messieurs,—Les Cours de justice criminelles sont généralement occupées à s'enquérir d'offenses révoltantes à l'humanité. Dans ces cas-là, les souffrances de l'accusé excitent peu ou point de sympathie.

Il n'en est pas ainsi de l'accusation contre les prisonniers, le crime odieux de meurtre dont on les accuse n'est pas le leur.

Le gouvernement n'a pas voulu tenter ouvertement et nominalelement des procès d'état, il a fallu un prétexte, un voile, une accusation de meurtre. Ce procès, Messieurs, est un procès d'état, un procès politique auquel la population du pays prend le plus vif intérêt. Il ne faut pas s'y tromper, le crime des prisonniers, leur culpabilité, s'il en existe, c'est d'avoir, depuis nombre d'années, pris, avec la majorité de leurs compatriotes, une part active dans la poursuite d'objets qui leur sont chers, et que les prisonniers ont cru honnêtes. Trois prisonniers sont très-jeunes, de cet âge où l'on n'ourdit pas de semblables crimes; Nicolas est moins jeune, mais on ne présume l'atrocité de caractère chez personne. A une époque récente de l'histoire du pays il existait un pouvoir qu'aucun n'aurait osé braver. L'affaire dont il est question a sa source dans les dissensions politiques et de parti des 25 dernières années, se rattache et tient à rien moins qu'aux prétentions de la population du pays, manifestées en maintes occasions.

Les prisonniers sont innocens de l'accusation de meurtre, mais il est du devoir de ses conseils d'expliquer les circonstances qui ont donné lieu au soupçon qu'ils ont pris part au crime dont ils sont accusés.

Quel était l'état de l'esprit public, durant plusieurs mois, avant que les troubles eurent éclaté en Novembre dernier? La chambre d'assemblée collectivement, et les membres individuellement, avaient exprimé les sentimens du peuple. Le mécontentement était général. Des assemblées se tenaient dans toute la province et particulièrement au sud du district de Montréal, pour se prononcer sur les affaires politiques, et aviser aux meilleurs moyens de protéger des droits inaliénables que l'on croyait envahis. Toute confiance dans les autorités constituées était anéantie par suite des mesures arbitraires qu'elles avaient adoptées et qu'elles adoptaient chaque jour contre le pays. Afin de donner plus de poids à l'expression du sentiment public, le peuple en masse protesta énergiquement. On vit alors les habitans de plusieurs comtés se réunir en une assemblée fédérale et voter une adresse à tout le peuple, l'invitant à soutenir ses droits, à s'organiser et à opposer la résistance à la coercition dont on le menaçait. Les mesures du gouvernement l'avait tellement rabaissé dans l'estime publique que celui qui en acceptait une place quelconque était regardé comme indigne de toute confiance et exposé au ressentiment de ses concitoyens. Les patriotes s'étaient dès-lors constitués des tribunaux et un espèce de gouvernement, aux décisions et aux mesures desquels ils devaient se soumettre. Ils s'étaient nommés des officiers publics, et ils étaient unanimes dans leurs choix.

Le gouvernement était désorganisé, il ne remplaçait pas ceux qui, à l'unanimité, avaient renvoyé leurs commissions.

Le gouvernement était lui-même divisé, la chambre prorogée, les membres ne pouvaient plus se faire entendre, le gouvernement ne donnait pas l'occasion d'en nommer d'autres, c'était une désorganisation par la même; on voyait une branche de la législature avec le peuple contre l'autre branche et le gouvernement. Que l'on songe au danger qu'aurait couru celui qui aurait refusé de se rendre à la volonté du peuple. L'on ne reconnaissait plus à l'Acadie l'autorité du gouvernement qui se laissait désorganiser, et ne se réorganisait pas. La crainte régnait, causée en grande partie par les arrestations, et les récits exagérés que l'on faisait des violences à la ville.

L'affaire de Longueuil était connue; l'on disait que Messrs. Demaray et Davignon seraient perdus, à leur arrivée à Montréal, ce qui faisait craindre qu'il n'y eût personne qui fût en sûreté. Vrais ou faux, ces récits n'en avaient pas moins répandu l'alarme, personne ne se croyait en sûreté, la propriété ne l'était pas, après ce qui était arrivé à la ville. Cette crainte générale était cause que des pères envoyaient leurs enfans sur le commandement. La crainte devait être bien grande, puisque des pères de famille laissaient partir sans savoir s'ils reverraient leurs enfans! Vous êtes tous sans doute des pères de famille, répondez, dites si ce n'était pas le cas? L'on ne reconnaissait plus d'autre autorité que celle qui émanait du peuple, ou de ses chefs. Les prisonniers, dont les opinions politiques, leur attachement à la cause du pays, et leur confiance dans leurs chefs étaient inébranlables, se trouvèrent, dans leur localité, précisément dans ce cas-là. Les esprits étaient tellement excités, que celui qui aurait refusé de prendre part à la conteste, aurait couru le risque d'être molesté, surtout dans ses biens. Le sentiment de la terreur était général.

Il y eut un commandement de fait pour aller à Saint Charles, dont la bataille n'était pas encore connue. L'on s'attendait généralement à être commandé, et l'on ne savait où l'on irait. L'on savait qu'il y avait un camp à St. Charles pour se battre.

Il est certain qu'à cette époque, l'on ne connaissait plus, à l'Acadie, d'autre autorité que celle du peuple, c'était le gouvernement *de facto*. Le gouvernement ne se faisait pas connaître, l'on ne voyait plus rien de lui, il était devenu inerte quant à cette section du pays. On l'avait désorganisé, il s'était laissé désorganiser, et n'avait pas le courage de se réorganiser, il était dans un état complet d'inertie; il était naturel qu'on ne reconnût de puissance et d'autorité que celles qui se faisaient ressentir. Que l'on songe, un instant, aux effets du senti-



ment public, au sort de nombre de familles dans le comté de l'Acadie, qui y faisait profession de loyauté : elles ont été obligées de s'enfuir, fait que l'on peut prouver par nombre de témoins.

Aucune personne ne peut connaître toutes les lois qui doivent régir sa conduite comme citoyen. Les prisonniers ont trouvé le peuple en possession du pouvoir souverain ; ils n'ont pu distinguer entre l'autorité légale, et l'autorité *de facto* qui s'exerçait sur toute la paroisse de l'Acadie. Si les prisonniers sont condamnables de l'acte dont on les accuse, il y a des milliers de personnes dans cette partie de la province, qui sont infiniment plus coupables, comme ayant ou *dicté* ou *avisé* les mesures qui l'on précédé, ou y ayant applaudi. Pourrait-on porter un acte d'accusation (ou *bill d'indictment*) contre la population entière de la paroisse de l'Acadie, comme ayant participé à cet acte ? Peut-on faire un procès à tout un peuple ? La chose est absurde. Peut-on seoir contre ces hommes pour un acte découlant d'un sentiment public presque unanime ? La seule autorité palpable dans le temps, c'était l'autorité du peuple ; le pouvoir est étendu à l'exclusion du gouvernement, et tout ce que l'on fait en obéissance aux désirs du pays, est justifiable d'après les principes du gouvernement civil, d'après des principes reconnus en Angleterre.

L'on n'entendait plus parler du gouvernement que par des actes que l'on regardait comme une oppression insupportable, l'on arrêta les citoyens recommandables, et le citoyen honnête avait raison de craindre pour sa liberté. A tort ou à droit, l'on croyait consciencieusement que le gouvernement avait violé les lois, et qu'il essayait de mettre la force à la place de ces lois. Il était naturel que l'on songeât à s'opposer à des actes, à des arrestations que l'on considérait comme violant toutes les lois, celles de la sûreté personnelle, aussi bien que celles de la propriété. Personne n'osait se défendre de se joindre à ses compatriotes. Sans entrer dans la question de savoir si la cause des troubles se trouve dans les actes du gouvernement, ou si elle provient d'ailleurs, toujours est-il certain que l'anarchie régnait, et qu'il n'était guère possible aux gens de s'assurer où était le pouvoir. Ils devaient regarder comme le pouvoir et le gouvernement, celui qui l'était *de fait* et agissait. Il ne s'agit que d'avoir une teinture de l'histoire d'Angleterre pour savoir que le gouvernement *de facto* est un état de société reconnu ; des rois, des dynasties ont été exclues par la puissance du peuple, et remplacées par le gouvernement *de facto*, c'est-à-dire la puissance d'alors, et des actes du parlement ont absous ceux qui avaient soutenus, ou qui soutiendraient en pareil cas, l'autorité existante ; la masse du peuple en effet (et c'était le motif de ces lois) n'était pas tenue, n'était pas même en état de déterminer sur la légitimité des droits de l'un ou de l'autre pouvoir.

Quant à la mort de Chartrand, elle n'est peut-être pas aussi extraordinaire qu'on le peut croire d'abord ; il était connu comme espion. Est-il aussi atroce d'avoir le 27 Novembre tué un espion, que d'avoir le 6 Novembre, 21 jours auparavant, l'excitation étant bien moins grande, commis des excès comme on l'a fait à Montréal, et d'avoir, une partie de l'hiver, recommandé, dans les gazettes, d'assassiner ceux des prisonniers que le gouvernement laisserait aller ? La mort de Chartrand est une suite du reste ; elle ne diffère pas de la mort des soldats qui ont été tués sur la brèche à St. Denis ; la seule différence, c'est qu'à St. Denis les patriotes tuaient les soldats par douzaines, et qu'à l'Acadie, dans un temps d'anarchie, de désorganisation du gouvernement, on a tué *un seul* espion.

Le gouvernement n'a pas fait poursuivre ceux qui ont mis hors de combat beaucoup de soldats, et en ont tué un grand nombre à Saint Denis. Ce même gouvernement a déporté plusieurs citoyens, d'autres sont rendus à la société ; leur a-t-on fait des procès ? A-t-on tenté des procès d'état ? Non, le gouvernement aurait succombé, et de quelle grâce demande-t-il donc le sang de ceux qu'il accuse d'avoir tué un seul homme, lui qui a absous ceux qui ont décimé un corps de troupes de Sa Majesté !

Le gouvernement a admis, par son propre acte, en ne faisant pas faire de procès à ceux qu'il a envoyés à la Bermude, et d'autres qui sont dans le pays qui avaient pris les armes, que ceux qui ont tué Chartrand ne sont pas plus reprehensibles que ceux qui ont tué les soldats.

Les poursuites criminelles se font ordinairement par la couronne, pour la réparation de l'offense commise envers quelqu'un, et à l'instance de parens et amis ; mais ici c'est le gouvernement qui fait la poursuite en son nom. Or si le jury croit que le gouvernement n'est pas exempt de blâme dans toute cette affaire, doit-il décider à faire punir des gens qu'on a provoqués ?

Le savant avocat cite Delolme, p. 99 et 100 ; Hale's His. of the Com. of England, c. 12, lec. 11, p. 292 ; "le procès par jury est plus un *procès par juré* qu'un procès par témoins : le jury, maître de son opinion, et de son verdict, juge du fait et de la loi."

Ce n'est pas l'intention des conseils des accusés de les justifier, en prouvant l'existence d'une insurrection. Les prisonniers sont tenus de faire connaître exactement ce qui en est, et en le faisant, ils se disculpent de l'accusation d'avoir pris part à un meurtre délibéré.

Il a été prouvé que la coercition était grande. 13 ou 14 jeunes gens se sont rencontrés ensemble, étrangers les uns aux autres, tous assemblés *par l'ordre de Garant*. Chartrand leur était inconnu. François Surprenant nous déclare que Nicolas n'avait pas le commandement ; Isaïe Roy affirme, au meilleur de sa connaissance, que c'est Garant qui commandait ; Jean Baptiste Tremblay prouve la violence exercée par Garant, et les menaces qu'il fait. François Bourrassa parle de la frayeur générale. Il n'ose rien déclarer, pas même à son plus proche voisin. Il est clair que Garant a agi d'après quelque autorité, ou couleur d'autorité. Chez Surprenant, il n'a pas été question de Chartrand. Lorsqu'ils arrivèrent au pont de l'Acadie, la majorité désirait retourner. Ils ne voulaient pas continuer, ayant appris que les gens de l'Acadie n'étaient pas prêts ; Garant les en a empêchés. Cela fait voir combien était grande l'autorité qu'exerçait Garant. Il se fit un commandement général pour aller à St. Charles. Personne ne paraissait avoir hésité à aller à St. Charles. Nicolas *n'était pas le chef*, n'a donné aucun ordre chez Surprenant ou chez Eloï Roy. De ce qu'il portait un pavil-

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lon, on doit conclure qu'il n'était pas le commandant. Le pavillon, c'était pour aller à St. Charles. Langlois affirme que c'est Beaulieu qui a pris le commandement après que Garant l'avait quitté chez Roy. Il jure aussi que quoique Nicolas, en gagnant la barrière, faisait un signe avec sa canne, c'est Beaulieu qui l'a ouverte et qui a donné ordre à la bande d'avancer. Il n'y a pas de preuve que Nicolas ait suivi l'exemple de Garant, Giroux et Ouimet en faisant sortir des ordres. Lorsqu'on faisait mention chez Roy du meurtre de Chartrand, la proposition ne venait pas de Nicolas; on a parlé de la bande. C'est Surprenant qui s'est adressé à Roy pour avoir des chaînes et des cordes; Nicolas ne s'est présenté chez Roy en aucun temps. C'est Beaulieu qui s'est rendu avec Surprenant chez Roy. Cela fait voir qu'alors Beaulieu avait le commandement. Joseph Berthiaume déclare que lorsqu'il vit l'homme qu'il crut être Chartrand entre les mains de sept individus de la bande, c'est Beaulieu qui répondit à ses questions. Nicolas ne faisait pas partie des 7; il était dans le champ.

On n'a plus de trace de Garant après le départ de chez Eloi Roy. Il est évident que Nicolas n'avait pas médité la mort de Chartrand. Il est clair, d'après le témoignage de Surprenant, qu'aucun de la bande, lorsqu'ils étaient chez Roy, n'a pensé à Chartrand. Ils ignoraient même qu'il fût dans l'endroit. Il paraît qu'il y avait eu des ordres émanés de quelque autorité encore inconnue, de tuer Chartrand. Langlois dit, "que c'est Beaulieu ou Nicolas, qui a donné l'ordre de tirer, il dit ensuite que c'était Beaulieu, alors le plus près de Chartrand. Chartrand n'ayant été frappé que par 1 ou 2 balles sur cinq, fait voir que l'on avait de la répugnance à tirer, et que l'on n'a pas visé. Joseph Pinsonneau ne l'a pas atteint, en toute probabilité, car il était alors comme hors de lui-même, *comme fou* (a dit Poissant.) Poissant admet lui-même qu'il était bien troublé. Beaulieu était le plus actif, c'est lui qui a ôté le fusil à Joseph Pinsonneau, l'a chargé, et le lui a remis en mains en le menaçant. Nicolas n'est pas le seul qui a dit en laissant la maison d'Eloi Roy: "Partons," en allant après Chartrand, d'autres l'ont dit. Garant en a dit autant, cela est prouvé par Langlois. Beaulieu, Ouimet et Giroux, étaient les principaux auteurs à la 2e affaire. C'est Garant qui a fourni un fusil à Langlois, ce qui fait voir qu'il commandait. Ce furent Beaulieu et Ouimet, et deux autres qui ont saisi Chartrand, et l'ont retenu jusqu'à l'arrivée des autres, y compris Nicolas. Dautais et P. Pinsonneau ont refusé de tirer et n'ont pas tiré, ils étaient présents involontairement. M. Mondelet s'adresse à la Cour et cite des autorités:—

Russell on Crimes, vol. i. 1, page 431.

Hawkins, P., vol. iv. p. 202, c. 29. sec. 10.

Hale's History P. C. vol. i. p. 438 et 439.

Foster C., p. 350. Voici l'une des autorités, de Russel:—

"Pour rendre un complice à un meurtre ou une félonie principal dans cette félonie, il faut qu'il soit présent et aidant lors de la commission du crime. Mais une personne peut être présente, et si elle n'aide pas ou n'encourage pas, elle n'est ni principal ni accessoire. Par exemple: A. est présent à un meurtre, n'y prend aucune part, et n'essaye pas de l'empêcher non plus que d'appréhender le meurtrier; cette étrange conduite, quoique grandement criminelle, ne rendra pourtant pas, par cela même, principal celui qui la tient. M. Mondelet explique ensuite aux jurés la loi sur cet objet. Langlois dit: "Beaulieu ou Nicolas a commandé de tirer, je ne sais lequel." Poissant dit: "Beaulieu et Nicolas ont commandé de tirer." Langlois dit qu'il n'a pas tiré. Poissant dit que Langlois a tiré. Eh bien! Si Poissant est d'un esprit faible, comme il a du le paraître lorsqu'il était dans la boîte, il a pu, il a du facilement se tromper, dans un moment comme celui où il dit que Chartrand a été tué. Il se trompe d'ailleurs sur deux faits importants. 1°. Il dit que Langlois a tiré. 2°. Il dit qu'après la première décharge, Beaulieu a tiré, ce qui est contredit par Langlois, et Bourassa qui n'a entendu qu'un coup, après la première décharge. C'est Beaulieu qui a crié, en se rendant à la pointe: "Arrêtez."

La pointe de bois est entre deux rangs de maisons, ce n'était pas un endroit caché. Si donc le jury met de côté le témoignage de Poissant, qui s'est contredit plusieurs fois, il n'y a pas de preuve que Nicolas a commandé, Langlois ne pouvant affirmer.

M. Mondelet cite les mêmes auteurs.

Il y a eu refus de la part de Joseph Pinsonneau de tirer une seconde fois, Beaulieu l'a menacé et contraint, Ouimet et Giroux l'aidaient, mais Nicolas ne l'aidait pas. Dans le doute, la présomption que Beaulieu était le commandant doit faire absoudre Nicolas; car lorsque Beaulieu arracha le fusil des mains de Joseph Pinsonneau et le lui fit reprendre de force en le menaçant, quels sont ceux qui l'aidaient? Ouimet et Giroux. Nicolas n'aidait pas.

S'il y a doute, les prisonniers doivent en profiter, &c. "*The character must turn the balance.*"

Le jury doit se rappeler qu'il est le seul maître de son verdict ou déclaration; il doit agir par lui-même et ne se laisser diriger par qui que ce soit. Le savant-solliciteur général a cité un des commandemens de Dieu, et, avec ce ton de sensibilité qu'on lui connaît, il vous a dit: "Homicide point ne sera de fait ni de consentement." C'est bien plutôt au sujet des prisonniers qu'il convient de citer ce commandement; ce ne serait pas un meurtre, c'en serait quatre, que vous commettriez, messieurs, si vous étiez cause par votre verdict que ces quatre prisonniers monteraient à l'échafaud.

"L'âme de Chartrand vous poursuivrait, elle vous reprocherait de ne l'avoir pas vengé," vous a dit encore le solliciteur-général . . . . L'âme, les mânes de Chartrand vous poursuivraient! Les mânes de ces quatre prisonniers ne vous laisseraient pas un moment de repos; leur voix se ferait continuellement entendre, vous seriez bourrelés de remords, vous seriez malheureux, vous seriez des meurtriers vous-mêmes si vous condamnerez ces hommes-là au supplice! . . . .



J'achève, messieurs; les autres patriotes qui ont pris les armes n'ont pas été poursuivis pour meurtre. Le jury doit considérer et dire que le gouvernement ne les a pas cru coupables, et s'ils sont dans le même cas, vous devez les acquitter.

M. Mondelet se rassied. On a remarqué que pendant sa brillante allocution, dont nous ne donnons qu'un aperçu général, plusieurs individus de la nuance tory ricanaient entr'eux, et notamment le témoin à charge Macrae, qui se tenait près du banc des jurés, ainsi que le Dr. Arnoldi, qui n'en était pas éloigné.

Les défenseurs des accusés se mettent en devoir de faire leur preuve et demandent à la cour d'envoyer quérir les témoins à décharge.

M. le juge en chef dit que la cour n'a envoyé ces témoins dans une chambre que pour faire plaisir aux défenseurs, et que ces derniers aient à y pourvoir.

Jean Baptiste Poisson, de l'Acadie, 1<sup>r</sup> témoin à décharge, dépose : Garant, accompagné de 7 ou 8 hommes, vint chez M. Pinsonneau le 27 Novembre, pour commander les jeunes gens. Il était armé, ainsi que Giroux, d'un fusil et d'une baïonnette, et il disait qu'il agissait d'après les ordres de M. Papineau. Comme Garant parlait avec beaucoup d'autorité, et qu'il nous menaçait d'un commandement général pour le lendemain si on refusait de marcher ce jour-là, M. Pinsonneau laissa partir ses deux fils. Garant disait qu'il ne commandait que les garçons le premier jour, mais que le lendemain les hommes mariés seraient tenus de marcher, bon gré mal gré, et que ceux qui auraient refusé la veille seraient maltraités. On parlait d'aller à St. Jean. Quant à moi je crus devoir obéir.

Louis Gagné, 2<sup>e</sup> témoin à décharge, demeure au ruisseau des Noyers, l'Acadie. Un Lundi à la fin de Novembre dernier, il se fit un commandement par Garant, qui était accompagné de plusieurs jeunes gens armés de fusils et de baïonnettes. Il ordonna à mon engagé, Michel Déroleau, de le suivre; mon engagé trouva le moyen de s'esquiver. Il nous dit que M. Papineau faisait commander d'aller à St. Jean. Je croyais qu'il fallait obéir, je m'attendais à partir le lendemain. On m'a dit que si je ne partais pas de bon gré, qu'on me ferait marcher de force. On croyait dans la paroisse que ceux qui ne marcheraient pas subiraient une prompte justice. Les citoyens devaient craindre pour leur vie en n'obéissant pas.

Le docteur Perrault étant appelé comme témoin, le procureur-général s'oppose à ce qu'il soit entendu parce qu'il est resté en cour. On s'assure de la bouche du Dr. qu'il y est resté pendant environ 2 heures.

M. Walker insiste sur ce que ce témoin soit entendu, et dit que le ministère public n'a pas belle grâce à faire cette objection, en ce que les défenseurs ont permis à 5 ou 6 témoins à charge de demeurer en cour pendant tous les débats.

[Le docteur Perrault était appelé pour prouver que Beaulieu était venu chez lui, le 27 Novembre, lui annoncer qu'il allait à St. Charles, ordonnant à tous de le suivre sous peine d'être fusillé.]

Abraham Béchard, témoin à décharge, dépose : Je demeure à l'Acadie; je suis marié. Le 27 Novembre, une bande de patriotes, armés de fusils et quelques-uns de baïonnettes, vint commander mon engagé. Le capitaine Garant était le chef de la bande; il commandait au nom de M. Papineau et de manière à se faire obéir. Il annonça qu'une forte troupe de jeunes gens viendraient le lendemain me contraindre à marcher si j'essayais de me rebeller. [Le témoin corrobore la déposition du témoin précédent.]

Mon engagé les suivit. Il s'agissait d'aller s'emparer de St. Jean. M. Garant se présenta d'abord seul chez M<sup>de</sup> la veuve Giroux et ordonna à ses garçons de marcher. Elle ne le voulait absolument pas; et comme le capitaine Garant persistait, elle fondit en larmes. Il s'empessa de la calmer, sans pour cela renoncer à se faire accompagner de ses fils, et il lui disait de sécher ses larmes, puisque, tôt ou tard, elle serait toujours obligée de consentir à leur départ. Un d'eux, garçon, se décida à suivre le capitaine Garant, l'autre espérait de partir le lendemain. Je connais bien les prisonniers à la barre. Joseph Pinsonneau se laisse facilement persuader, il est très-léger de caractère, et il a l'esprit un peu faible. Daunais est un jeune homme bon et très-estimable, ainsi que les Pinsonneau, dont la famille est d'une douceur héréditaire, et d'une urbanité que tout le monde reconnaît. Quant à Nicolas, c'est un homme généreux et d'une réputation irréprochable.

Louis Monbleau, 4<sup>e</sup> témoin à décharge, de l'Acadie, corrobore le témoignage précédent, et dit qu'il a été élève avec les jeunes Pinsonneau.

François Déroleau, 5<sup>e</sup> témoin à décharge, de Blairfindie : Le 27 Novembre, on commanda dans plusieurs endroits pour aller donner un coup de main aux patriotes de St. Charles. Je connais les jeunes Pinsonneau depuis leur enfance. Je crois que l'on peut pousser Joseph à faire des choses qu'il ne ferait pas de lui-même. Ils sont d'une famille très-honnête et qui est singulièrement douce. Nicolas est un homme généreux et qui est estimé de tout le monde.

*Contre-exameu.*—M. le solliciteur-général lui demande, si l'esprit de Joseph est tellement faible qu'on puisse l'induire à voler ou à tuer. A quoi le témoin répond, qu'il ne le croit pas. M. le solliciteur-général parle ensuite des sacrements, et demande s'il y avait long-temps que le prisonnier les avait reçus. Le témoin dit qu'il ne connaît pas cela.

M. Walker fait, à plusieurs reprises différentes, des objections sur la manière dont M. le solliciteur-général interroge, mais la cour décide toujours du côté de la couronne. On a remarqué qu'elle a souvent interrompu et arrêté les défenseurs, et pas une seule fois les officiers publics, qui n'ont pas fait de propositions ni d'objections qui ne fussent de suite agréées.

On rappelle le témoin A. Béchard, qui dit qu'il connaît M. Nicolas pour un homme doux, honnête, bon et généreux; et que l'école dont il était le maître se trouvait sous la surveillance du curé, qui ne l'aurait pas recommandé ni gardé si Nicolas n'eût pas été d'un caractère irréprochable. Beaulieu, au contraire, était un homme très-emporé.

*Contre-examen.*—M. le solliciteur-général interroge de nouveau. Le témoin dit qu'il n'a jamais engagé Nicolas à faire du mal, et que quant à la faiblesse de l'esprit de Joseph Pinsonneau, il en juge par sa conversation avec les autres jeunes gens.

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Enclosure No. 4.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normandy.  
6th May, 1839.  
Enclosure No. 4.

Narcisse Monbleau, 6e témoin à décharge, corrobore les témoignages précédens.

Le Dr. Quesnel, 7e témoin à décharge, demeure à l'Acadie depuis 15 ans. Beaulieu, qui est un jeune homme violent, vint pour le commander, en lui faisant des menaces, qu'il craignait. Le témoin était entièrement opposé aux patriotes; dit que *l'autorité* n'était nulle part; que l'agitation était extrême (ce mot fait sourire M. le juge en chef, qui suggère au solliciteur-général de demander combien il y avait d'agitateurs?); et que *tous les habitans étaient unanimes*. L'anarchie était complète, on forçait des pères de familles à laisser aller leurs enfans. Le gouvernement Anglais n'était pas reconnu, et il n'avait aucun moyen de repression dans l'endroit. Le témoin, qu'on avait forcé de renvoyer sa commission, empêcha un capitaine de milice de marcher avec toute sa compagnie en lui conseillant de rester tranquille.

*Contre-examen.*—Le témoin dit que tous les jeunes gens se remuaient. Le solliciteur-général lui demande si cette agitation avait bientôt cessé. Le docteur, qui aime apparemment les fleurs de rhétorique, dit: "La mer ne se calme pas si vite!" qu'on ne s'arrêta qu'à la nouvelle de la bataille de St. Charles. M. le solliciteur-général parle d'un ton furieux, et dit que c'était une bande de brigands, etc.

Laurent Archambault, 8e témoin à décharge, demeure à Blairfindie depuis 17 ans. En Novembre les esprits étaient dans l'effervescence dans l'Acadie. Il n'était pas du sentiment de ceux qui se soulevaient, mais la très grande majorité était mécontente. Le gouvernement Anglais n'était pas senti, et il n'y avait d'autorité que celle du peuple. Pas un seul magistrat n'aurait pu ni oser exercer ses fonctions. Le témoin raconte très en détail qu'on le força à renvoyer sa commission. Beaucoup de familles s'étaient enfuies, de peur, à New York. Enfin, l'anarchie était au comble.

*Contre-examen.*—M. le solliciteur-général veut lui faire dire que cette anarchie ne régnait que pour forcer les gens en place à renvoyer leurs commissions. Le témoin répond qu'elle pouvait avoir encore une autre portée.

Pierre Roy, 9e témoin à décharge, de l'Acadie, corrobore le témoignage précédent quant à l'état d'anarchie, et dit en propres termes que le gouvernement Anglais était *rejeté*. On s'organisait, et déjà plusieurs rassemblemens se faisaient pour se porter sur St. Jean et sur St. Charles. Il dit que Nicolas était un parfait honnête homme.

*Contre-examen.*—M. le solliciteur-général pose sa question par rapport à l'anarchie et aux commissions. Le témoin dit formellement que le but des habitans n'était pas seulement de forcer les gens en place à résigner, puisqu'ils se préparaient à aller jusqu'à St. Charles.

Casimir Michel, 10e témoin à décharge, de Blairfindie, dit qu'il n'a jamais connu de commandement à Nicolas lors des troubles à l'Acadie. Il établit la bonne réputation des prisonniers, et dit que Garant et Giroux étaient reconnus pour des boutes-feu.

Louis Régnior, 11e témoin à décharge, corrobore le témoignage précédent, et dit que Nicolas ne passait pas pour un des chefs, et qu'il y avait des chefs reconnus.

Louis Defayette, 12e témoin à décharge, dit qu'il connaît Daunais depuis son enfance, et qu'il a toujours été un jeune homme doux et honnête.

Laurent Régnault, 13e témoin à décharge, corrobore Defayette, et ajoute qu'il a employé Daunais à son service, et qu'il en a été parfaitement satisfait.

Pierre Picard, 12e témoin à décharge (respectable vieillard à cheveux blancs, ayant l'air d'un patriarche), dépose: Je demeure à St. Jean. J'y ai connu Chartrand, qui ne passait pas pour être un homme comme il faut. M. David Roy avait passé quelques jours chez lui, à St. Jean, et Chartrand le battit un soir. Plus tard il lui en demanda excuse. Je le rencontrai le lendemain matin, il me demanda comment se portait Roy. Je lui dit qu'il devait le savoir mieux que moi, puisqu'il avait manqué de le tuer la veille au soir. Chartrand dit *qu'il en ferait bien d'autres*. Il passait pour un espion, et était parmi les volontaires.

M. le sol. génl., d'un ton fâché, demande au vénérable témoin son âge. Il répond, 75 ans; et s'il n'a pas lui-même eu des querelles dans sa vie. "Pas souvent," réplique t-il. Le sol. génl. lui dit alors: "Vous en avez eu du regret ensuite?" Le témoin: "Oui, mais Chartrand ne paraissait pas en avoir." Il n'était pas présent lorsque Chartrand assaillit David Roy.

Jacob Bouchard, 15e et dernier témoin à décharge, cultivateur de l'Acadie, dépose: que l'on craignait beaucoup Chartrand; on s'attendait chaque jour à le voir venir avec une compagnie de volontaires pour commettre des déprédations; on disait qu'il voulait mettre tout à feu et à sang dans l'Acadie. Tous le prenaient pour un espion.

Répondant au sol. génl., qui lui demande s'il ne courait pas de faux bruits pendant les troubles, il dit que oui.

L'enquête des accusées close,

M. le procureur-général s'adresse au jury:—Messieurs,—Vous êtes réunis pour vous enquerir de l'offense de meurtre, c'est-à-dire le plus grand des crimes que connaissent les lois, et dont l'inculpation pèse sur les prisonniers. On ne peut, ni ne doit mettre en accusation que par la voie du grand jury, et cela sans partialité, sans faveur. J'ai fait tout ce que j'ai pu, non pas par ordre du gouvernement, mais de mon propre mouvement: c'était mon devoir. S'il est au monde un pays où les lois criminelles soient administrées impartialement, c'est ici, chez un peuple heureux, le plus heureux peut-être qui soit au monde. Messieurs, on a voulu parler d'anarchie. Une demi-douzaine d'individus mal-intentionnés ont d'abord parcouru les paroisses: bientôt on a vu leur nombre s'accroître et l'agitation se répandre; ils finirent par faire bouleverser les lois. Si les lois criminelles sont bien administrées, on doit se prononcer sur ce procès avec justice. Vous devez vous dépouiller de tout sentiment personnel, et de considération, soit politique, soit autre, pour n'envisager le procès que sous le rapport des lois.

J'ai fait retirer les témoins, pour rendre justice aux accusés; j'ai insisté sur ce que l'on en fit autant des leurs pour empêcher jusqu'à la possibilité d'un complot entre-eux. Vous devez



rendre votre verdict d'après les témoignages; vous examinerez si les quatre prisonniers sont tous coupables, ou si quelques-uns d'eux seulement le sont, et lesquels.

Il paraîtrait, messieurs, que Nicolas a agi comme principal dans l'affaire, et les trois autres en qualité de complice, comme vous l'a dit le solliciteur-général qui vous a dépeint d'une manière si touchante comment le pauvre Chartrand a été mis à mort. Je vais vous lire la loi, et vous laisserai à décider du sort des prisonniers.

(M. le procureur-général cite Blackstone, en français, pour définir le meurtre; puis des passages des auteurs cités par M. Mondelet, pour détruire ce que celui-ci en a tiré.)

La loi veut que le doigt de chacun soit sur la cachette d'une arme à feu pour que dans les circonstances ils soient tous coupables. Ils étaient une bande. Ceux qui ont été témoins du crime et qui n'ont pas essayé de l'empêcher sont aussi coupables que ceux qui ont tiré. Il a été décidé que ceux qui sont présents par accident et qui n'empêchent pas le crime ne sont pas coupables.

Le savant avocat qui s'est adressé à vous, messieurs, de la part des accusés, a parlé des troubles et reproché au gouvernement de n'avoir pas fait ce procès pour haute trahison, comme les autres; mais s'ils avaient été inculpés pour haute trahison, on les aurait traités avec la même clémence que les autres. Parce qu'un grand nombre d'individus se sont trouvés impliqués pour haute trahison par rapport aux troubles, ce n'était pas une raison pour que les prisonniers à la barre ne le fussent pas pour meurtre. Le gouvernement a distingué les chefs, les lâches qui, après avoir excité le peuple, se sont sauvés. Un acte d'amnistie a absous les autres, et a fait exception des prisonniers et autres accusés du meurtre de Weir et de Chartrand.

On dit qu'on a excusé ceux qui ont tué les soldats; ce n'est pas à moi à en répondre, ce n'est pas aux autres à s'en plaindre. Chartrand tira-t-il? Était-ce une guerre civile? Non, messieurs. Chartrand était allé à l'Acadie pour affaire particulière, et s'en retournait à St. Jean. On s'en empare et on le fusille de sang froid. Est-ce comme à St. Charles et à St. Denis? Dans ce cas, c'était rébellion; dans l'autre, un meurtre de la plus grande barbarie. [Il cite les circonstances, et se met à l'aise en posant le pied sur un siège, se caresse le genou de la main et déclame sur le ton brailleur d'un ministre méthodiste.] On s'est efforcé de vous faire accroire qu'on avait contraint les jeunes gens à marcher; mais le projet de l'expédition avait été abandonné, il n'était plus question de prendre St. Jean ni d'aller à St. Charles.

J'ai remis les procès des accusés; je n'ai pas voulu qu'ils eussent lieu en Mars, de crainte que, des ennemis se trouvant parmi le jury, ils ne les condamnaient. Mais un gouvernement paternel, juste et impartial, n'a pas voulu qu'un Canadien ait pu être tué impunément. Des meneurs, des lâches, qui ont conduit les gens à la boucherie, se sont sauvés aux Etats-Unis, beaucoup sont rentrés en grâce, mais l'ordonnance qui décrète l'amnistie ne s'applique pas au cas actuel. [Il lit cette ordonnance.] Si le gouvernement a voulu pardonner à quelques-uns, on ne doit pas l'accuser ni le blâmer parce qu'il veut punir ceux-ci [en montrant les accusés.] Il est de votre devoir d'administrer les lois de votre pays consciencieusement, de maintenir l'ordre et d'appuyer le gouvernement qui protège la société. Oublions le passé, messieurs; mettez tout sentiment de parti de côté; élevez vous aux grands principes de justice, et que votre verdict ne laisse pas échapper des coupables. J'ai fait mon devoir, faites le vôtre.

M. le juge en chef porte ensuite la parole et fait du tout un long résumé, que nous regrettons de ne pouvoir qualifier de l'épithète d'impartial; il commence ainsi: "Parmi un peuple reconnu pour être paisible, il est rare qu'on ait vu se commettre un crime accompagné de circonstances aussi atroces. Le sang d'une victime crie vengeance, et demande justice." Après quoi les jurés se retirent dans leur chambre à 4 heures, reviennent au bout d'une heure et demie, et rendent le verdict: NON COUPABLES.

Cette décision est accueillie avec des signes visibles de satisfaction par le public. Des individus suspects s'étant tout-à-coup présentés en grand nombre, tandis que d'autres ont envahi les avenues du Palais de Justice, M. Walker fit motion à l'effet de retarder de quelques instans la mise en liberté des prisonniers.

De leur part, les accusés se montrèrent fermes jusqu'au bout, et ne témoignèrent aucune faiblesse à l'instant fatal où le verdict était sur le point d'être prononcé.

Comme il y avait lieu de craindre que quelques forcenés ne vinssent à se porter à des excès, Messieurs Nicolas, Daunais, Joseph Pinsonneau, et Gédéon Pinsonneau furent accompagnés à un hôtel par des agens de police, et une foule de Canadiens s'étaient rendus sur les lieux afin de prêter main forte en cas de besoin, mais le tout se termina dans le plus grand ordre, à l'exception de 3 ou 4 individus qui sifflèrent les patriotes libérés sur leur passage, et qui furent méprisés par le public.

(Signed) JOHN IMY.  
A. RAMBAU.

Enclosure No. 5.

EXTRACT of a REPORT of the COMMISSIONERS of INQUIRY, dated, Montreal, 11th December, 1839.

Enclosure No. 5.

SIR,

WE have the honour to acquaint you, for the information of His Excellency, the administrator of the government, that in pursuance of the powers granted to us, as a Commission of Inquiry into the cases of persons in gaol, or otherwise in custody, charged with crimes and offences committed during the late rebellion, we proceeded, at the earliest moment, on Monday, the 3rd of December instant, to the common gaol, where we have taken the voluntary examinations of about one hundred and fifty prisoners.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

The packet C. contains declarations and protests on the part of Messrs. Lafontaine, Mondelet, D. B. Viger, Levesque, L. M. Viger, and J. A. Berthelot, all of whom, except Mr. Levesque, are advocates, who signified their unwillingness to undergo examination, denying the legality of the commission, and vehemently exclaiming against the injustice of the imprisonment and detention.

It would suit our dispositions to make no remark on the conduct of those learned gentlemen, the presence or absence of courtesy in those coming before us, in the discharge of such a duty, being a matter of some indifference to us, and we are inclined to make every allowance for the irritated feelings of gentlemen in their situation; but we cannot in justice to ourselves, overlook an untruth, petulantly asserted by Messrs. Lafontaine and Mondelet, that they were brought before us by force. No compulsion has been, nor could be, used by us, in any of our proceedings, and those gentlemen, in particular, were informed that their coming before us was perfectly unshackled and voluntary; and the idea of the employment of any force, must have grown out of their own imaginations, for they appeared, before us, within a few minutes after the signification of our request, and without time to frame and transcribe their protests in which anticipated violence is gratuitously alleged.

(Signed)

A. BUCHANAN,  
JOHN BLEAKELEY,  
DUNCAN FISHER,

Certified.

Commissioners.

(Signed)

C. R. OGDEN,  
Attorney-General.

(Copy.)

Enclosure 6 in No. 12.

Montreal, 3rd December, 1838.

Enclosure No. 6.

SIR,

I AM directed by His Excellency the Commander of the Forces, to acquaint you, with reference to the accompanying complaint from Mr. Joseph Ainsse, of Varennes, and the reply, that although the charge for Quarters cannot be admitted, it was intended that the provisions should have been furnished by the Commissariat.

The Commander of the Forces thinks that the villages which were in a state of rebellion, should be made to feel some inconvenience by having the troops quartered on them, but the system of allowing each regiment to obtain their own provisions from the inhabitants, could not be carried into effect without injustice to many, and causing great irregularity amongst the troops. His Excellency therefore desires that the Commissariat may be instructed to pay for the amount of provisions which have been furnished the troops on their march to St. Hyacinthe.

I have, &amp;c.

(Signed)

THOMAS LEIGH GOLDIE,  
Assistant-Commissioner.

Colonel, the Honourable Charles Gore,  
Deputy Quartermaster General, Montreal.

(Copy.)

Enclosure 7 in No. 12.

Enclosure No. 7.

Sir,

Military Secretary's Office, Montreal, 10th January, 1839.

I am directed to acquaint you, with reference to your letter of the 7th instant, that the Commander of the Forces having called on Lieut.-Colonel Lyster for an explanation of the charges contained in your petition of the 24th November, 1838, that officer has forwarded a reply which appears perfectly satisfactory, and which is confirmed by the statement of Mr. Martigni.

His Excellency, however, has directed the Commissary-General to pay you the amount of provisions which you supplied for the battalion of Guards on their march through Varennes, on the production of receipts from the commanding officer for the articles furnished by you, as it was through misapprehension on the part of the public departments that the troops did not receive their rations regularly from the Commissariat.

I have, &amp;c.

(Signed)

WM. ROWAN, M.S.

Mr. Joseph Ainsse,  
Varennes.

Enclosure 8 in No. 12.

Enclosure No. 8.

Montreal, 3rd December, 1838.

Major Law will proceed to the Marie de Monnoir and fix his residence at that village for the present. He will explain to the principal inhabitants that he is come amongst them to inquire into their complaints, and to prevent any improper or unauthorised arrests. He will report on the state of the country, and endeavour to ascertain whether any arms or ammunition



have been brought into the neighbourhood, and if any inhabitants express a wish to take the oath of allegiance, he will encourage them to do so, inserting their names in a list, stating whether they are landed proprietors or labourers.

Major Law will act in both a civil and military capacity, and will assume the command of any troops commanded by a junior officer who may be stationed at the Marie de Monnoir.

By command,  
(Signed)

JOHN EDEN, D.A.G.

Major Law, 83rd Regt.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

Enclosure 9 in No. 12.

General Order.

Head-Quarters, Montreal, 4th December, 1838.

Many unauthorised arrests having lately been made in this district, it has become necessary to promulgate the following orders, for the guidance of all magistrates and officers in command, and of such other persons as may be duly authorised to arrest offenders charged with treason or treasonable and seditious practices.

No arrest whatever shall take place, except under the authority of a magistrate, upon sufficient evidence or deposition, nor shall final committal take place until after the personal examination of the accused.

A magistrate authorising such arrests, upon finally committing such offenders in all places where jails or other proper places of confinement are provided, will immediately transmit to the Attorney-General the depositions upon which such offenders have been committed, with a full statement of the result of his personal examination.

In all places where jails or other proper places of confinement are not provided, or from whence it may be necessary to transmit the accused to the common jail of the district of Montreal, all magistrates, other than special, issuing such warrants, will direct the persons conveying such prisoners, to bring them and the deposition upon which they are committed before the nearest special magistrate, who will decide upon the future destination of such prisoners, according to his instructions.

All officers commanding, or special magistrates, causing such prisoners to be forwarded to the common jail of the district of Montreal, shall direct the depositions upon which they have been committed, to be transmitted simultaneously to the Attorney-General.

By command,  
(Signed)

JOHN EDEN, D.A.G.

Enclosure No. 9.

(Copy.)

Enclosure 10 in No. 12.

General Orders.

Head-Quarters, Montreal, 5th December, 1838.

It having been represented to the Commander of the Forces that the inhabitants suffer from providing the troops with fuel and light when billeted on them, his Excellency is pleased to approve of the sum of twopence currency being allowed for each man per diem, but this is not to extend to the inhabitants when the troops are on march through the country; and in the rebellious districts, this issue is to be made on the certificate of the officer commanding the troops of the necessity of the issue; but to the loyal inhabitants it is invariably to be granted when the troops are stationary for any time.

(Signed)

JOHN EDEN, D.A.G.

Enclosure No. 10.

(Copy.)

Enclosure 11 in No. 12.

Head-quarters, Montreal, 19th December, 1838.

GENERAL ORDERS.

No. 3.—Adverting to the General Order, dated 5th December instant, and with a view to point out the form of payment for the billeting of the troops, his Excellency the Commander of the Forces directs that the commandant of each district, on reference to the magistrates or principal inhabitants, will be pleased to appoint a billet-master in each town or village in his district, who will be authorised to receive payment for this service from the Commissariat at the established rates, upon returns, showing the numbers and period, signed by the commanding officer of the corps or detachment.

(Signed)

JOHN EDEN, D.A.G.

Enclosure No. 11.

(Copy.)

Enclosure 12 in No. 12.

Benjamin Delisle, Ecuyer, Grand Connétable, demeurant en la ville de Montréal, après serment prêté sur les saints Evangiles, dépose et dit: Je connais l'Honorable Denis Benjamin Viger, demeurant à Montréal, et sais qu'il est propriétaire et possesseur de plusieurs proprié-

Enclosure No. 12.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

tés foncières situées en cette ville. Il est à ma connaissance que la maison où s'est imprimé "Le Temps" journal, ci-devant publié en langue Française en cette ville, appartient au dit Honorable Denis Benjamin Viger, et lui appartenait lorsque le dit journal "Le Temps" y était imprimé et publié. Je suis bien informé que le nommé François Lemaître était l'imprimeur du dit journal, et que la maison dans laquelle le dit journal s'imprimait est située en cette ville, rue St. Paul, et près du Marché neuf, et que c'est la même maison où s'imprimait ci-devant "La Minerve." J'avais en Novembre dernier été chargé d'un warrant d'arrestation contre le dit Lemaître pour haute trahison, mais il a réussi à éluder mes recherches et à sortir de la province. Je fus autorisé le 6 Novembre dernier à saisir les presses et caractères d'imprimerie, ainsi que les papiers qui pourraient se trouver au bureau du dit journal "Le Temps," dans la maison ci-dessus mentionnée. Je fis en effet la dite saisie, et au nombre des papiers que je trouvai dans le dit bureau se trouvaient les huit numéros du dit journal "Le Temps" ci-annexés, portant les numéros 2, 3, 4, 5, 6, 7, 8, et 9, lesquels ont tous été paraphés par moi.

Le déposant ne dit rien de plus, et a signé,

BENJAMIN DELISLE, Grand Connétable.

Assermenté devant moi, à Montréal, ce 9 Février, 1839.

P. E. LECLERC, J.P.

(Copy.)

Enclosure 13 in No. 12.

Enclosure No. 13

Paul Montanary, huissier, de Montréal, après serment prêté sur les saints Evangiles, dépose et dit: Je suis huissier de la cour du Banc du Roi pour le district de Montréal; c'est moi qui, en ma qualité d'huissier, ai vendu le printemps dernier tous les presses et caractères qui composaient l'imprimerie appartenant à Ludger Duvernay, ci-devant de Montréal et actuellement absent de la province. C'est dans cette imprimerie que se publiait le journal Français, intitulé "La Minerve," depuis plusieurs années. L'Honorable Denis Benjamin Viger, de Montréal, est la personne qui a acheté à la dite vente toutes les presses et la presque totalité des caractères d'imprimerie appartenant au dit Ludger Duvernay. Le dit Honorable Viger est aussi à ma connaissance le propriétaire de la maison où l'imprimait le dit journal, "La Minerve;" c'est aussi dans la même maison que s'est imprimé aussi un petit journal, intitulé "Le Quotidienne," par un Monsieur Lemaître, aussi absent de cette province.

La déposant ne dit rien de plus, et a signé.

(Signé)

PAUL MONTANARY.

Assermenté devant moi, à Montréal, ce 10 Janvier,

(Signé) P. E. LECLERC.

(Copy.)

Enclosure 14 in No. 12.

Enclosure No. 14.

John Jones, of the parish of Montreal, Gentleman, being duly sworn on the Holy Evangelists, doth depose and say, that some time last spring two presses, with types, &c., being the materials composing the Minerve Printing Office, supposed to be the property of one Ludger Duvernay, were sold by public auction; and deponent saith that Denis Benjamin Viger, Esquire, did purchase the greater part of the materials, two presses, and types, composing the said Minerve Office.

And further deponent saith, that he believes that the house with the said printing materials, &c., were in and do belong to the said D. B. Viger, Esquire.

And further deponent saith, that François Lemaître was present at said sale, and told deponent that the said D. B. Viger was buying said office for him to print the "Quotidienne," a paper which was published with said Lemaître's name as proprietor; and it is also in the same office that another revolutionary newspaper, called "Le Temps," was published, which contained articles of a treasonable and revolutionary character. And further deponent saith not, and hath signed.

(Signed)

JOHN JONES.

Sworn before me this 10th January, 1839.

(Signed)

C. S. RODIER, J. P.

(Copy)

Enclosure 15 in No. 12.

Enclosure No. 15.

District de Montréal.

Benjamin Delisle, Grand Connétable, demeurant en la ville de Montréal, après serment prêté sur les saints Evangiles, dépose et dit: Je connais l'Honorable Denis Benjamin Viger, demeurant à Montréal, et sais qu'il est possesseur de plusieurs propriétés foncières situées en cette ville. Il est à ma connaissance que la maison où s'est imprimé "La Minerve," journal publié en langue Française, appartient au dit Honorable Denis Benjamin Viger, et lui appartenait lorsque Ludger Duvernay, propriétaire du dit journal, a laissé la province. Qu'un warrant d'arrêt avait été lancé contre le dit Ludger Duvernay en conséquence des écrits séditieux et révolutionnaires imprimés depuis plusieurs années dans le dit journal "La Minerve." Que



depuis le départ du dit Ludger Duvernay, il s'est imprimé par un Monsieur Lemaître actuellement absent de la province, et contre lequel un warrant pour haute trahison a aussi été lancé. Dans la dite maison, un autre journal Français, intitulé "La Quotidienne," dans lequel les articles révolutionnaires ont paru, lequel tendaient au renversement du gouvernement existant. Cette maison est située rue St. Paul, près du Marché neuf. J'ai eu ordre de saisir les presses et caractères de "La Quotidienne." Je l'ai fait, et ces presses et caractères sont en ma possession.

Le dit Honorable Denis Benjamin Viger est aussi le propriétaire d'une maison située en cette ville, rue St. Paul, près du neuf Marché. C'est dans cette maison que s'est imprimé un petit journal en langue Anglaise, intitulé "The Express." Un warrant d'arrêt a aussi été lancé contre les propriétaires de ce journal en conséquence des articles séditionnels et révolutionnaires imprimés dans le dit journal. J'ai aussi saisi par autorité les presses et caractères de ce journal, lesquels sont encore en ma possession. Et le déposant ne dit rien de plus, et a signé.

(Signé) BENJ. DELISLE,  
High Constable.

Assermenté devant moi, à Montréal, ce 10 Janvier, 1839.  
(Signé) P. E. LECLERC, J. P.

No. 12.  
Sir John Colborne  
to the Marquis of  
Normanby.  
6th May, 1839.

(Copy.)

Enclosure 16 in No. 12.

Enclosure No. 16.

Province of Lower Canada, District of Montreal.

Joseph Nickless, of the city of Montreal, Merchant, being duly sworn on the Holy Evangelists, doth depose and say:—

I keep my store in Notre-Dame street, the second house from the New Market. I frequently during last summer saw the Honourable Denis Benjamin Viger, of Montreal, in the said market, on market days, recommending to the habitants farmers the newspaper then published in this city, called the "Quotidienne," as a good paper for them to read, and encouraging the sale of the said paper, telling them to purchase the same—that it was a good paper. I also frequently, on market days, saw the said D. B. Viger between Nelson's monument and Mr. Kurczyn's grocery store, at the head of the market, doing the same thing, that is to say, recommending the said newspaper "La Quotidienne," to the Canadian farmers, who, on such occasions, would purchase the said paper from the carriers. On the occasions last alluded to I could not overhear what Mr. Viger said to the habitants, but I could distinctly see them grouped about him, as also the carrier boys; and afterwards the said paper "La Quotidienne," handed to the said habitants, who in return paid the carrier boys for it.

Sworn before me at Montreal this 2nd February, 1839.

(Signed) P. E. LECLERC, J. P.

(Signed)

JOSEPH NICKLESS.

(Copy.)

Enclosure 17 in No. 12.

Montreal, 19th January, 1839.

Enclosure No. 17.

SIR,

WITH reference to the Petition of the Honourable D. B. Viger, to His Excellency, dated the 12th January, instant, which you transmitted to us, desiring us to make further inquiry into his case, we beg leave now to state, that we have read the said petition, and we do not see that it deserves any observation on our part.

Since we had the honour of reporting with regard to Mr. Viger, and of recommending that he should be discharged, on his giving bail to a large amount for his good behaviour, we have been placed in possession of evidence which satisfies us that he directed seditious journals, and gave them his valuable protection, previous to the breaking out of the last rebellion.

We see no reason, therefore, to advise his being enlarged without his giving bail.

Should Mr. Viger see fit to acquiesce in what we consider a necessary and salutary check, in this way, we beg leave to add that the amount of bail might be ultimately fixed, with a just consideration of his means, which we are led to believe are very ample.

We have, &c.

(Signed)

A. BUCHANAN,  
GEORGE WEEKES,  
JOHN BLEAKLEY,  
DUNCAN FISHER,  
Commissioners.

Charles R. Ogden, Esq., H.M. Attorney General,  
&c. &c. &c.

(70.)

No. 13.

No. 13.  
Sir John Colborne  
to the Marquis of  
Normanby.  
9th May, 1839.

COPY of a DESPATCH from Lieut.-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 9th May, 1839.

Vide Sir J. Colborne's  
Despatch, 13th April,  
1839, No. 52, p. 51.

I HAVE the honour to transmit herewith certified copies of the ordinances passed by the Special Council of Lower Canada, during the last Session, numbered from cap. 1 to cap. 67 inclusive.

I have, &amp;c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

(75.)

No. 14.

No. 14.  
Sir John Colborne  
to the Marquis of  
Normanby.  
20th May, 1839.

COPY of a DESPATCH from Lieut.-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 20th May, 1839.

I HAVE the honour to transmit to your Lordship, in reference to my despatch No. 67, of the 6th instant, Enclosure No. 5 to that despatch, and a copy of another Report from the Commissioners of Inquiry, relative to the case of the Hon. D. B. Viger.

I have, &amp;c.

(Signed) J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure in No. 14.

SIR,

Montreal, 2nd February, 1839.

Enclosure.

IN pursuance of your request, signified to us this day, that we should take into consideration the memorial, dated the 28th of January last, of the Honourable D. B. Viger, a person confined upon a charge of political offence, by which he seems chiefly to seek the recovery of certain manuscripts, documents, extracts, and other productions. We have the honour of reporting that, in the month of December last, while we were engaged in inquiry as to the causes of his detention, a box containing papers, which had been seized in his possession, was presented to us as evidence against Mr. Viger, for seditious conduct.

In the whole course of a very irksome investigation, we do not think that we were called upon to perform a more disagreeable task than that of reading through such a mass of manuscripts, which we are inclined to believe are not, nor can ever be, of value except to the writer.

Pursuing that line of conduct which we regarded as correct, we requested Mr. Leclere to obtain proof to establish these facts, and to afford evidence of the following description:—

1. That Mr. Viger's hand-writing was apparent on the face of the proof-sheets of the small newspapers that were got up during the last summer for the purpose of agitating the peasantry of the country.

2. Such evidence as could be had to show Mr. Viger's activity, in the way of pecuniary encouragement and of oral persuasion, for the dissemination of those petty journals set on foot with the express design of creating disaffection against the Government.

3. His means of influence, as a member of society.

In answer to that part of Mr. Secretary Goldie's letter of yesterday, addressed to you, by which you are desired to state, for the information of his Excellency the Governor-General, in whose hands Mr. Viger's papers have been placed in order that such as are not of a seditious tendency may be returned to him immediately. We have the honour of reporting that Mr. Leclere, having selected some newspaper proofs, the corrections of which we have ascertained, were made by Mr. Viger, all these papers, except the said proofs, were returned to Mr. Leclere, and we suppose they are in the possession of that department.

These corrected proofs, together with important depositions connected with the subject, we now beg leave to transmit to you; and, although we are not prepared to say that Mr. Viger should be put upon trial, we conceive that Her Majesty's Government have a right to require bail for his good behaviour, for the following reasons:—

1. Because Mr. Viger is a person of high standing and consideration in the estimation of his fellow-countrymen, as well from his great wealth as from a long career of forensic life.

2. Because Mr. Viger, having such influence, exercised it by means of seditious presses, supported, if not established wholly, by his pecuniary sacrifices, to produce discontentment with, if not an alienation from, Her Majesty's Government.

3. Because Mr. Viger, conducting himself with apparent premeditation in this manner,



was during the late troubles, and previously thereto, a person dangerous more by example than by action; and that therefore it is just and right to require from him a guarantee for his peaceable conduct in time to come.

(Signed)

Certified.  
(Signed)

C. R. OGDEN,  
*Attorney-General.*

We have, &c.

A. BUCHANAN,  
GEO. WEEKS,  
JOHN BLEAKLEY,  
DUNCAN FISHER,  
*Commissioners.*

No. 14.  
Sir John Colborne  
to the Marquis of  
Normanby.  
20th May, 1839.  
Enclosure.

(86.)

No. 15.

EXTRACTS of a DESPATCH from Lieut.-General Sir JOHN COLBORNE,  
G.C.B., to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 8th June, 1839.

I HAVE the honour to transmit to you a copy of a letter from Captain Sandom of the Royal Navy, commanding on the lakes of Upper Canada, and my reply to him, respecting the armed boats which have been seen on the St. Lawrence, equipped by Johnson of French Creek and his associates.

The objects of these brigands are, to attack our steam boats, interrupt the commerce on the St. Lawrence, and commit outrages and depredations on the Canadian frontier, which will compel the British Government to continue the expensive precautionary measures of defence which have been adopted, and involve the two countries in discussions which may ultimately produce a war.

The preparations of the brigands, and the activity of the refugees, observed on this frontier, and the reported enrolment of the French Canadian labourers, who at this season pass into the States in search of work, and, it is said, avow their intention of joining the outlaws and patriots on the Borders in the autumn, have probably occasioned the rumours which now prevail in this province, that insurrectionary movements are contemplated in the ensuing winter.

The agent of the Seignior of Beauharnois is alarmed at the unusual neglect which he observes among the habitants, in their agricultural concerns, and attributes their indifference and idleness, to the expectation of disturbances.

I have endeavoured to ascertain whether there are really facts to warrant the suspicions of the alarmists; but I cannot discover there are any; except the reported encouragement which the parties of refugees receive beyond the frontier line, and the predatory incursions which have lately taken place, and have been traced to Swanton. I have received information, however, from individuals residing in New York, that the patriots have not abandoned their hostile schemes in respect to Canada.

The priests of the districts which have been most disturbed, inform me that the habitants are quiet, and following their usual occupations, but that there is little improvement generally in the feeling of the people.

Any immediate favourable change in the dispositions of the habitants cannot be expected, they have been corrupted by the leaders of a revolutionary party, with much perseverance, and assiduity, whose aim was independence, however many of them may have differed as to the best means to be used in attaining it. In every district of the province the greater portion of the habitants were acquainted with the plans of the conspirators who were implicated in the last revolt; and there is reason to believe that the official documents which have been circulated since the insurrection have tended to irritate influential classes of the French population, which were known always as obedient and quiet subjects, if not essentially loyal.

I am persuaded, that not many of the habitants could be induced to engage in further schemes against the Government, unless they were convinced that powerful assistance would be afforded them by the patriots of the United States. The tranquillity of the frontier counties must depend altogether on the conduct of the authorities of the adjoining States, and the exertions which the Presidential Government may venture to make to prevent the assembly of brigands on the frontier.

No. 15.  
Sir John Colborne  
to the Marquis of  
Normanby.  
8th June, 1839.

No. 15.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 8th June, 1839.

In adverting to the bad spirit, which I think will be found to have long prevailed among the French habitants, and which I am confident has not been diminished by the events of the two past years, I beg to mention that I have no apprehension that there is any danger whatever in their conduct which can be considered as indicative of any future attempt to disturb the province. There are few instances in the parishes which have been agitated, in which a want of loyalty has been shown by the priests; indeed, it cannot be denied that they have, with two or three exceptions, acted with great firmness, and have exerted their influence in favour of the Government. The field officers of the militia, with few exceptions, are also loyal subjects; and, indeed, many of the officers of militia.

If a different feeling among the habitants from that which now exists should take place, it may probably be gradually introduced by the appointment of intelligent magistrates, the carrying into effect the proposed circuit courts, and alterations in the judicature of the province, the reorganization of the militia, and certain modifications in the feudal tenures. Several individuals who have been most conspicuous in promoting the views of the revolutionary party have expressed an opinion favourable to the Legislative Union of the provinces, whatever may be their views in supporting that measure.

The Enclosure No. 3 contains the substance of the charge of the judge of the State of Vermont, as reported by the officer of police, attending with the witnesses from Canada, who presided at the trial of West and Grogan, the two ruffians concerned in the burning of Vosburg's house, reported in my Despatch of the 19th February, No 28.

With respect to the border outrages, it appears evident that the American Government do not, or have no power to punish offenders who may be apprehended.

Your Lordship will perceive from the annexed copies of letters from the Governor of Vermont, how inconsistent their conduct has been in regard to offenders escaping from justice. I find from a letter which I have received from Sir John Harvey, that he has detached a company of the 69th Regiment to the Madawaska settlement, in consequence of the encroachment of the armed party of the State of Maine, still in the disputed territory.

I have, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby.  
 &c. &c. &c.

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Enclosure 1 in No. 15.

SIR,

Her M. S. Niagara, Kingston, 31st May, 1839.

Enclosure No. 1.

As I feel assured that the most prompt and decisive measures are absolutely essential to crush in the bud the movements of the turbulent people scattered on the borders of the St. Lawrence, and on some of the islands, with the avowed intentions of committing depredations on some part of the British dominions in Canada, or on the mercantile steam vessels, I most earnestly entreat your Excellency to give me instructions for my guidance, should the naval force under my command come in contact with them. Their tact and cunning will keep them within the American line of demarcation on the St. Lawrence, but chance may enable some of my officers to meet them off their guard, on our side, in which case the result would be simple—they would be taken.

Their present haunts are on the American islands bordering upon our lines, so near, as to enable them to make incursions with facility and success.

It is in such cases that I feel most perplexed and at a loss how to act.

My understanding with General Macomb last year was, that I should be at liberty to attack such people on any of the islands, but in the event of capturing the Brigands, to hand them over to the American authorities (when taken on their territory) for trial.

Your Excellency is aware of the fact of officers under my command having surprised a party of these miscreants on Grindstone Island, and of capturing two of them, who, together with a quantity of arms, were by me handed over to the American authorities, agreeable to stipulation—in good faith.

These men were released, and the same scenes are now acting on the same spot.

General Macomb informed me that he must withdraw the sanction he had given for my people to search the American islands.



I would now beg your Excellency's advice as to what measures it would be most proper to pursue when I have positive proof, and the means of capturing them, on any of the islands within the American territory.

I have, &c.  
(Signed) WILLIAM SANDOM, Captain R.N.  
Commanding Her Majesty's Naval Forces in Canada.

His Excellency Sir John Colborne, G.C.B.  
&c. &c. &c.

No. 15.  
Sir John Colborne  
to the Marquis of  
Normanby.  
8th June, 1839.  
Enclosure No. 1.

Enclosure 2 in No. 15.

SIR,

Government House, Montreal, 7th June, 1839.

WITH reference to your letter of the 31st ultimo, in which you advert to the piratical movements of the Brigands scattered on the islands and borders of the St. Lawrence, with the avowed object of committing depredations on the unprotected Canadian frontier, and requesting instructions for your guidance in the event of the naval force under your command coming in contact with these pirates within the American line of demarcation, I have to acquaint you, that I authorise you to give such orders to the officers in command of armed boats and steam vessels, as may appear to you calculated to frustrate the intentions of the marauders, and to ensure their capture, in whatever part of the waters of the St. Lawrence they may be found.

You will, however, explain to the officers under your command, that they are on no account to disembark on any American island, with a view of attacking the brigands, without the sanction of the authorities of the United States Government, nor pursue their boats into American ports.

This subject will be again brought under the consideration of the American Government at Washington, and I trust that the authorities of the United States will co-operate with you in carrying into effect the measures for expelling the marauders from the St. Lawrence.

I have, &c.

(Signed) J. COLBORNE.

Captain Sandom, R.N. Commanding Canadian Lakes Kingston, Upper Canada.  
&c. &c. &c.

Enclosure No. 2.

Enclosure 3 in No. 15.

SIR,

Montreal, 25th May 1839.

AGREEABLY to your instructions of the 14th inst., I proceeded to Missisquoi, there to collect the witnesses, against James Grogan, George Starton West, and others, and to convey them to Windsor, State of Vermont, on or before the 21st instant.

I beg leave to report that, on my arrival at Bachridge, I found Thomas Donaldson, one of the witnesses previously notified, absent from his home, Martha Denton, and Clark Gibson were unable to attend the court from indisposition.

I accompanied the undermentioned witnesses to the Circuit Court at Windsor, on the 20th instant,

Clarinda Johnson.  
Sarah Waters.  
Mr. G. Clark.  
David Clark.  
John Gibson.  
Martha Donaldson.  
Jason Waggoner.  
Stephen Waggoner.  
Catherine Waggoner.

Catherine Waggoner had not been previously notified, but understanding she was a material witness in the prosecution, I took her with me.

Judge Paine in opening the court, and addressing the grand jury, informed them, that, after inquiring into the case of Grogan and West, the court was of opinion that if they were guilty of arming themselves with an intention of attacking any military force in Canada, the jury must therefore bring in a verdict of guilty; but if, on the other hand, it was proved to the satisfaction of the jury, that they were only retaliating, or for a mere act of vengeance on private individuals, it would not come within the Act of Congress, the finding of the jury must be not guilty.

The jury, after examining the evidences, informed the judge that they were of opinion that Grogan and West were not guilty: the latter was released accordingly, the former was not in confinement having been rescued previously.

This morning I left the witnesses at their respective homes.

I have, &c.

To P. E. Seclere, Esq. (Signed) Wm. BROWN, Capt. Montreal Police.  
&c. &c. &c.

Enclosure No. 3

No. 15.  
 Sir John Colborne  
 to the Marquis of  
 Normanby.  
 8th June, 1839.  
 —  
 Enclosure No. 4.

Enclosure 4 in No. 15.

Government House, Montreal, 23rd March, 1839.

SIR,

INFORMATION having reached me that the President of the United States cannot under the existing laws, and in the absence of any Conventional arrangement between them, and Great Britain, take cognizance of crimes and misdemeanors committed without their territorial jurisdiction, and that his Excellency under these circumstances has declined to interfere on the application addressed to him, requesting the delivery of the body of George Holmes, charged with the commission of murder in this province, and finding that the accused is still confined in prison by your Excellency's authority, within the State of Vermont, upon the charge in question. I have the honour of soliciting at your hands the delivery of that individual.

The President's determination has in all probability been made known to your Excellency by his command, but as yet I have not received any official communication on that subject.

It is to be presumed that the authority to surrender a person charged with so heinous a crime, regarded with abhorrence in all communities, must exist somewhere; and I confidently hope that your Excellency will, on inquiry, find that the important power is vested in yourself; should that be the case, I have perfect reliance on your Excellency's disposition to do an act which the reciprocity in such conjunctures long subsisting between this province and the State of Vermont would seem to demand.

If your Excellency shall feel justified in acceding to my request, I have to inform you that the gentleman who bears this Despatch, holds due authority to take the accused into custody, at such time and place, within this province, as your Excellency may be pleased to appoint.

I have, &c.

(Signed)

J. COLBORNE.

His Excellency the Governor of Vermont.

&c.

&c

&c.

Enclosure 5 in No. 15.

Executive Office, Shoreham, Vermont, April 16th, 1839.

SIR,

Enclosure No. 5.

I HAVE the honour to reply to your Excellency's application for the surrender of the body of George Holmes, late of the province of Canada, and charged by the authorities of the said province with having committed the crime of murder.

This being clearly a case of simple murder, entirely detached from and disconnected with any political insurrection or disturbance, I have determined to make the surrender of the said Holmes to the authorities of Canada, that he may be made amenable to the laws he has violated.

I have been brought to this result, more by the consideration of the amity which has heretofore subsisted between the authorities of the province of Canada and the State of Vermont, and the influence which a contrary practice would have upon the peace and safety of the inhabitants of the respective territories, than from any obligation imposed by express enactments.

George A. Allen, Esq., Sheriff of Chittenden County, in whose custody the said Holmes has been since his first arrest, is charged with the order to deliver the said Holmes to William Brown, or to such other person as your Excellency may be pleased to appoint, at such convenient place upon the boundary between this State and the Province of Canada, as may be mutually agreed upon by them, that he may be thence conveyed to the jurisdiction within whose limits the offence is charged to have been committed, for trial.

It may be pertinent on this occasion to refer to a request heretofore made by your Excellency, for the delivery of sundry persons concerned in the burning of buildings in Caldwell's Manor on the night of the 30th of December last, and also for the delivery of others subsequently charged with being engaged in the atrocious attack upon the family of Abram Vosburgh.

It is matter of general notoriety, that the authorities of the General Government have commenced proceedings against such of those concerned in the abovementioned outrages as have been identified, for an offence against the laws of the United States. And I deem it proper to say, that the offences with which those persons stand charged, having ostensibly grown out of the present unhappy political disturbances and difficulties existing in the provinces of Canada, I cannot consent to extend the rule adopted on the present occasion to demands for fugitives charged with offences in any way connected with or growing out of the said disturbances.

I have, &c.,

(Signed)

S. H. JENISON.

His Excellency Sir JOHN COLBORNE,  
 Governor of Canada.

Enclosure 6 in No. 15.

SIR,

Executive Office, Shoreham, Vermont, April 17th, 1839.

Enclosure No. 6.

I AM given to understand that one Newel Ordway, late of Tunbridge, in this city, is now confined in goal in Montreal.

The said Ordway was charged, before leaving this State, with having committed the crime of forgery, as will more fully appear by a copy of indictment herewith transmitted.

I have to request, that in accordance with the amity which has heretofore been so liberally



extended to the authorities of this State, your Excellency will be pleased to afford to the bearer hereof, Mr. David G. Foster, such aid and assistance as your Excellency may deem proper to enable him to arrest and bring back for trial the man so charged with crime, in the detection and punishment of which society at large have a common interest.

His Excellency Sir J. COLBORNE,  
Governor of Canada.

(Signed) I have, &c.,  
S. H. JENISON,  
Governor of Vermont.

No. 15.  
Sir John Colborne  
to the Marquis of  
Normanby.  
8th June, 1839.  
Enclosure No. 6.

Enclosure 7 in No. 15.

SIR, Government House, Montreal, 25th April, 1839.

I HAVE the honour to acknowledge the receipt this day of your Excellency's letter of the 17th instant, and to acquaint you that, in compliance with your request, I have given directions for the surrender to the authorities of the State of Vermont of the person of Newel Ordway, charged with the crime of forgery.

(Signed) I have, &c.  
J. COLBORNE  
His Excellency Governor, Jenison, Shoreham, Vermont.

Enclosure No. 7.

No. 16.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD, Government House, Montreal, 2nd July, 1839.

WITH reference to the reports to which I adverted in my despatch of the 8th June, No. 86, respecting the movements of the refugees on the frontier, I beg to acquaint your Lordship, that although I have received many communications from New York, informing me of the determination of the patriots not to abandon their schemes of disturbing the tranquillity of these provinces, and of even at an early period renewing their incursions; I am persuaded that they have not the means of carrying into effect their evil intentions. Within the province the police magistrates are active, and no circumstances have occurred to induce me to suspect that the habitants encourage the refugees to menace or disturb the frontier. Reports, however, have been circulated in every district, with great industry, that the American brigands are prepared to make an incursion on the 4th instant, or before the end of the month.

The United States officers are vigilant, and have promised to transmit to me any intelligence they may receive as to the projects of the brigands.

Mackenzie, of Upper Canada, has been tried at Rochester, in the State of New York, under the Neutrality Act, passed by the Congress, and sentenced to be imprisoned for eighteen months. I entertain no doubt that the want of employment, and the bad appearance of the crops, are the causes of so many of the habitants passing into the United States, where they find no difficulty in obtaining work at twenty dollars per month; and I am confirmed in this opinion by the report of the stipendiary magistrate employed in the seigniories of Chateauguay and Beauharnois, an extract of which is annexed for your Lordship's information.

(Signed) I have, &c.  
J. COLBORNE.

The Marquis of Normanby,  
&c. &c.

Enclosure in No. 16.

EXTRACT of a LETTER from E. BOWEN, Esq., Stipendiary Magistrate for the District of  
MONTREAL.

SIR, Chateauguay, 21st June, 1839.

I HAVE the honour to report, for the information of his Excellency the Governor-General, that the alarm and excitement which I have before stated to exist in the county of Beauharnois is rather on the increase than otherwise.

The farms, with very few exceptions, throughout the country, have been put under crop, since which many of the French Canadians have left the country, and more are leaving daily.

In some parts of the country the inhabitants are almost in a state of starvation; and I believe the principal cause of the late emigration to the United States from the frontier settlements has been the scarcity of provisions, consequent upon the loss and destruction of food in those places during the last winter.

Many of the French Canadian families on the Chateauguay River must leave their farms within a few days in search of labour and food, either in the United States or in the less dis-

No. 16.  
Sir John Colborne  
to the Marquis of  
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2nd July, 1839.

Enclosure.

No. 16.  
Sir John Colborne  
to the Marquis of  
Normanby.  
2nd July, 1839.  
Enclosure.

turbed counties of their own country, where they must remain until the new potatoes are fit to eat.

A general belief prevails amongst the French Canadians, that the Americans and Canadian refugees upon the frontier are immediately about to invade the province, and the same idea is general amongst the British part of the population.

I have, within the last week, visited the parishes of St. Remi, St. Philip, St. Edouard, the Pigroniere, the Scotch settlement, the settlement at Beach Ridge, St. Martine twice, the Indian village of South St. Louis, the settlements at English River, Chateauguay River, as far up as the Block House, the Cote St. George, and the other back concessions of Beauharnois, and I was twice in Beauharnois. In many of the English settlements bordering on French Canadian, the inhabitants mount guard at night.

False reports are industriously circulated, and generally believed. The assembling of a few French Canadians at a wedding was in one instance converted, by common report, into secret meetings for the purpose of training, &c. This report was generally believed, and obliged me to ride to the spot, in order to disprove it by a statement of my personal knowledge of the facts.

I had, last night, a visit from ———, who lives in St. Margret's, only three miles from Chateauguay church, who informed me that there is certainly something going on wrong amongst the French Canadians in his neighbourhood. He was evidently in great alarm, and has promised me every information he can obtain. He is in very good circumstances, and, as a loyalist, obnoxious to his countrymen.

His statement is strangely confirmed by that of a very respectable farmer, a Scotchman, ———, who came to me secretly, and in great distress, with information to the same effect, which he had obtained under a solemn promise of secrecy a few days ago.

My own opinion is, that many of the rebels of last year fancy they are likely to have another opportunity of getting rid of the English, and talk of it amongst themselves, under the belief that the refugees and Americans are about to invade the country; but that anything deserving the name of a general plan of operations exists I do not believe. The refugees no doubt do all in their power to keep up the excitement, and it is impossible to prevent their communicating with their friends here. The wives of the refugees visit them frequently; and I think many of the reports in circulation may be fairly attributed to them.

I have, &c.

(Signed)

EDW. H. BOWEN.

#### No. 17.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 28th July, 1839.

No. 17.  
Sir John Colborne  
to the Marquis of  
Normanby.  
28th July, 1839.

I HAVE had the honour to receive your Lordship's despatch of the 5th instant, No. 55, with the copies of the two Bills introduced into Parliament. It is my intention to appoint ten additional members to the Special Council; and there is every reason to believe that if the proposed increased number can be selected from the most influential persons in each district, the Special Council will be enabled to pass many important measures, which will afford general satisfaction, and be conducive to the welfare and future tranquillity of Lower Canada, with reference to the prospect of its union with the upper province. It is evidently desired by the British portion of the population that the union of the provinces should not be delayed. The French Canadians who were strongly opposed to this change last year, are certainly by no means so averse to it as they were; their opinion, probably, has been much influenced by the late insurrectionary movements. The Canadian party connected with the revolutionists, express themselves decidedly favourable to the scheme of the Union. In the Upper Province public opinion is much divided upon the subject; but I am persuaded most of the districts are looking forward to the Union as a measure which will relieve them from their embarrassments, and prevent any interruption to their commercial undertakings. The frontier of Lower Canada has, with one exception, remained undisturbed. On the 25th of June a few natives of the United States entered Barnston, one of the eastern townships, and created an alarm by setting fire to a barn of Captain Burroughs, of the Barnston Volunteers.

I have had a correspondence with the governor of Vermont relative to this outrage, and he referred the case for the consideration of the Presidential Government. On the American frontier line generally an improved feeling is appearing, and I do not think that at present the refugees receive the encouragement which was given to them a few months since. In many counties in the district of Montreal and of Three Rivers, a vigilant police has been established, which affords ample protection to private property; and, as a measure of precaution, has given great satisfaction. I regret to inform your Lordship



that the transport destined to convey the convicts to Australia has not yet arrived: the suspense and expectation which the long passage of this vessel occasions, is painful to the connexions and acquaintance of the parties concerned, and disadvantageous to the Government. I am, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby,  
&c. &c.

No. 17.  
Sir John Colborne  
to the Marquis of  
Normanby.  
28th July, 1839.

Enclosure 1 in No. 17.

SIR,

Stanstead, 26th June, 1839.

I HAVE the honour to enclose you, for the information of His Excellency the Governor-General, the deposition of Captain Burroughs of the Barnston Volunteers; it will inform you that a band of ruffians crossed from the United States from Holland, with the object in view of depriving that officer of Her Majesty's arms, then in his possession, and also with the full determination of destroying his dwelling house, and out offices, but I am gratified in informing you, that though the attempt at firing the barn and house at first appeared serious, for the former-named building was actually on fire, yet, from the prompt and spirited conduct of the owner, it was subdued. A pursuit on the part of persons who could be collected at the moment, after the ruffians abandoned the attempt, gave him an opportunity of capturing one of the party, named Switzer, concerned in this violent outrage, who took to the woods, lost himself, and was taken some time after the attempt on the house. He is a native of the United States, and has undergone an examination before magistrates, who have committed him. The gun which he had in his possession was afterwards found in the woods, as also two daggers, and a rifle-belt found near the house, which appeared of late manufacture. Every exertion was made by a detachment of the Stanstead Cavalry, whom I ordered out immediately to endeavour to intercept their return into the States; but I regret to say that the rest of the plunderers had effected their escape previous to the arrival of the cavalry in Barnston. It appears that the majority of the party concerned consisted of the most profligate description of characters that disgraced this part of the country during the last winter, and who escaped justice by crossing the Lines.

I have, &c.

(Signed)

ROBERT NICKLE,  
Col. Commanding.

Enclosure 2 in No. 17.

Copy.]

District of St. Francis, Province of Lower Canada.

Personally appeared, Captain William Burroughs, of the township of Barnston, in the said district, who, after being duly sworn on the Holy Evangelists of Almighty God, doth depose and say, that, on the morning of the 25th June, instant, about three o'clock in the morning, was awoke by one or more persons riding under his wood-shed, which adjoins his dwelling-house, who then rode up to the front window of his house, and then rapped at the door, when deponent demanded what was wanted. The reply was, "Your guns: give them up without delay: don't be rash; we have done up the business at Stanstead, and we are going to do it up here!" I replied to them, "Stop till I get on my pantaloons, and I will accommodate you." The person outside said, "Be spry, for I shall not wait long." I immediately loaded four guns, and myself and son took each of us one, and stepped out at the door, but could see no one. I then stepped round the corner of the house, and saw my barn was on fire, but did not see the men. I immediately went to the barn to extinguish the fire. While at the barn, I heard the report of a gun, which I afterwards learned was fired at my wife, as the ball struck the house near where she stood at the time. I have every reason to believe, and do verily believe, that the fire was communicated to my barn by some of the party that demanded the guns, as I found a bottle of spirits of turpentine; and a quantity of matches were also found near the hog-pen, which is attached to my house.

I soon went into the road to see which way the horsemen went. About three-fourths of a mile from my house I met the prisoner Sweetzer; he was wet, and appeared very much fatigued; he said he was going to Troy Vermont; said he had been lost in the woods; that he had travelled about three miles. This was about five o'clock in the morning.

The deponent further states that he heard, said Sweetzer, the prisoner, admit or acknowledge that he was one of the two men armed that made up to and spoke to the coloured man, Chester Buss, at Aaron-hill, in Barnston, about one-and-a-half miles from my house, near the break of day on Tuesday morning.

There were found near my house two dirks the morning after the party left. The prisoner went into the woods with me about half a mile from my house, where he said he had left his gun, and I found it where he said he had left it, and have it in my possession.

That deponent further says that property to a considerable amount was taken away, such as shirts, sheets, and various other articles, which this deponent has reason to believe was taken by the same party. Four of the party whom I saw were armed with guns: all that I saw were thus armed.

I should think there were a dozen or more of the party, from the noise made about my house, and from the tracks made; and further deponent saith not.

(Signed)

WM. BURROUGHS, Captain.

Sworn before us this 26th June, 1839.

(Signed)

S. POMROY, J.P.

R. HOYLE, J.P.

R. NICKLE, J.P.

(A true copy.)

(Signed)

R. NICKLE, Col.

Enclosure No. 1

Enclosure No. 2.

No. 18.  
Sir John Colborne  
to the Marquis of  
Normanby.  
August 19, 1839.

(No. 107.)

No. 18.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 19th August, 1839.

In my confidential despatch of the 28th ultimo, I communicated to your Lordship, as far as I could collect them, in my constant intercourse with individuals, the opinions in respect to the union of the provinces, which have been elicited by the public discussions on that subject.

I still entertain no doubt that in the Upper Province, the districts to the eastward of the river Trent and bay of Quinté are strongly in favour of measures being adopted for reuniting Upper and Lower Canada, and that the majority of the settlers to the westward of the midland district concur with them, although there are many of them altogether opposed to the project.

In the Lower Province, I have already stated that the population of British origin earnestly desire the union, and that the Canadian French population are not so averse to the measure as they formerly were.

Her Majesty's Government will naturally expect to receive from me at this crisis such suggestions, with reference to the proposed bill for uniting the provinces, transmitted to me with your Lordship's despatch of the 5th ultimo, No. 55, as I may be competent to offer from my long residence in Canada.

Some of the clauses of the bill I imagine have been framed chiefly with a view of propitiating the parties in the colony who may not be attached to our institutions; but while this insufficient sacrifice is made to their political principles, a formidable obstacle must be encountered from the determination of a large and influential portion of the population of the provinces to adhere closely to the constitution of 1791.

The discussion in Canada of the clauses to which I advert, cannot fail to impede the progress of the bill, and increase opposition to it at home, and consequently expose the tranquillity of the colony to great hazard. I should recommend, therefore, that all details which may probably create any decided contest of opinion among the parties known to be violently opposed to each other, should be withdrawn from the bill, and that the clauses embodied in it should have reference only to such arrangements as will allow the union to go safely into operation, and that any proposed innovation in the constitution should be left to the consideration and deliberation of the future united provincial legislature.

In the amended bill which I should suggest for the consideration of the Imperial Parliament, it would be enacted:—

First. That the Governor-General or Viceroy shall be empowered to declare by proclamation, with the sanction of her Majesty's Government, that the two provinces of Upper and Lower Canada shall form one united province of Canada, at any time it may be deemed expedient to give effect to the Act, either before or after the year 1842.

Secondly. That each county and riding of Upper Canada shall elect one member to sit in the United House of Assembly.

Thirdly. That the city of Toronto, and the town of Kingston, shall each elect one member.

Fourthly. That each county of Lower Canada shall elect one member to sit in the House of Assembly of the united provinces.

Fifthly. That the cities of Quebec and Montreal shall elect each one member.

Sixthly. That each of the counties of Middlesex, Durham, Northumberland, Prince Edward, Frontenac, and Leeds in Upper Canada, be divided into two ridings, with the right of each riding to elect a member.

Seventhly. That the townships of Godmanchester, Hinchinbrooke, Hemmingford, Sherrington, and La Colle, in Lower Canada, be constituted a county with the right to elect a member; and also that the townships of Arundel, Harrington, Grenville, Chatham, Wentworth, and Howard on the Ottawa, be constituted a county, with the right of electing a member.

Thus, with these few alterations, Upper Canada would be represented by 42 member, and the Lower Province by 42; 80 of whom would be elected by counties and ridings, and four by cities and towns.

About one-fourth of the members of the Lower Province would be elected by a population of British origin; a fair proportion, admitting that the extent of the population of French origin is about 520,000, and that of British origin about 180,000.



The population of British origin of the two provinces, amounting probably to 680,000, would be represented by 52 members.

There are at present in Upper Canada, 33 counties and ridings, the additional ridings proposed to be formed will increase the number to 40.

There are at present 40 counties in Lower Canada, seven of which contain a population of British origin.

For the two counties, Gaspé and Bonaventure, proposed to be attached to New Brunswick, two additional counties are substituted, containing a British population.

No party could justly complain of this arrangement and if adopted, it would enable the governor or viceroy to direct the bill to go into immediate operation with a working house of assembly, without experiencing the very great difficulty of forming new electoral divisions, a measure which would soon probably produce much clamour and discontent.

I should further recommend that the Governor or Viceroy be empowered to nominate and appoint a deputy governor to reside at Toronto; and four of the executive council to transact the business of the districts to the westward of the Midland District, under special instructions from the governor or viceroy.

That a Deputy Commissioner of crown lands; a Deputy Surveyor General, and a Deputy Registrar shall reside at Toronto to assist in transacting the business of the Western Districts.

And, that the Governor or Viceroy be empowered to appoint a chairman of the quarter sessions for each district, with a fixed salary.

With these assistants, and deputed authority, the Governor would be able to rely, on an emergency, on a well organized and efficient local power to maintain order, and at all times to carry on the duties of the remote districts.

With reference to the constitution of the Legislative Council, it should consist of not less than 25 members from each province, eligible from the qualifications stated in the bill now before the House of Commons, and also from the amount of their property. But few persons in these colonies will approve of striking at the independence of the Legislative Council, by enacting that the members are to be removed periodically.

The Legislative Council, composed of respectable and intelligent individuals interested in the welfare of the country, would correct with advantage the hasty legislation of a provincial assembly, and maintain its own popularity.

The scheme of forming new districts and electoral divisions, I am persuaded, would create difficulties and embarrassment. Individuals qualified to be elected to the proposed councils cannot be found in sufficient number; and the portion of the population now attached to the institutions of the mother country would prefer a more decidedly democratic form of government to the proposed alterations, which would render the constitution of the province more complex, without conferring on them the advantages conveyed by the elective institutions of the adjoining states.

If it be considered expedient to grant to each county, township, or seignior, municipal rights and privileges; the provincial legislature, would be found well disposed to carry into effect any acts with that view which might be recommended by the Governor. The townships of Upper Canada enjoy the privilege of electing their own officers; and this principle might be extended and granted to the seigniories.

In a new province I am convinced that the welfare and interests of the colony will be best consulted by allowing most of the rights to remain with the legislature of the province, which are now proposed to be given to the new districts.

I have, &c.

(Signed) J. COLBORNE.

The Marquis of Normanby

&c. &c. &c.

(No. 111.)

No. 19.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B., to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 10th Sept. 1839.

I HAVE the honour to report to your Lordship, that, before the opening of the Court of King's Bench of Montreal on the 27th ultimo, I considered it expedient

No. 18.  
Sir John Colborne  
to the Marquis of  
Normanby.  
August 19, 1839.

No. 19.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 10, 1839.

No. 19.  
Sir John Colborne  
to the Marquis of  
Normandy.  
Sept. 10, 1839.

to revoke my proclamation of martial law in this district, which had been in force since November last.

Martial law has therefore ceased to exist in every part of the province, and as the frontier has remained for some time undisturbed, I trust that there will be no further occasion to resort again to a measure which could not be dispensed with while the outrages and depredations committed on the borders of the Province continued.

The Marquis of Normanby,  
&c. &c. &c.

I have, &c.  
(Signed) J. COLBORNE

(No. 112.)

No. 20.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B. to the Marquis of NORMANBY.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 14, 1839.

MY LORD,

Government House, Montreal, 14th Sept. 1839.

I HAVE the honour to report to your Lordship, that as the trial of François Jalbert, confined in the Montreal gaol since the 12th of December, 1837, charged with the murder of the late Lieutenant Weir of the 32d regiment, could not be longer deferred, he was brought before the Court of King's Bench at Montreal at the last criminal term.

The prosecution and defence in this case occupied the Court four days; and the jury, not having agreed on a verdict, were discharged at the expiration of the usual time allowed in this country.

Three of the jurors were of British origin, one American, the remainder Canadians of French origin.

During the trial much excitement prevailed in Montreal, and on the discharge of the jury some disturbance took place in the Court.

At the request of the judges every precautionary measure had been adopted with a view of protecting the jury and prisoner, and preserving the peace of the city. The Court was closed without further interruption or any occurrence that demanded interference on the part of the civil or military power. Your Lordship will perceive from the accompanying copy of an opinion of the Attorney-General, that I had consulted him whether the trial could not be removed to another district, with a prospect of obtaining a more impartial jury than in the district of Montreal, but that he considered that such a course would be objectionable.

I transmit to your Lordship the Montreal Gazette of the 10th instant, which contains a report of the trial. It is scarcely necessary to observe that the same feelings which have created the lamentable discord which prevails in this province must extend to the juries, and influence their decision in every case that can be brought before them.

The Marquis of Normanby,  
&c. &c. &c.

I have, &c.  
(Signed) J. COLBORNE.

Enclosure 1 in No. 20.

SIR,

Government House, Montreal, 17th July, 1839.

Enclosure No. 1.

I AM desired by the Governor-General to state to you with reference to his intention of removing the prisoner Jalbert, confined for murder, and Macdonel, for high treason, from Montreal to the district of the Three Rivers, that he is most anxious to learn from you before the Court is ordered to be held, whether you are of opinion, viz.—

First. That the evidence that can be brought against Jalbert will be sufficient to convict him of the murder of the late Lieutenant Weir.

Secondly. Whether the charges against Macdonel are of a nature so serious as will justify the Executive Government in departing from the usual course of trial, and removing the prisoner to another district, in conformity with the ordinance passed by the Special Council?

Thirdly. Whether there is sufficient evidence to convict him of high treason, a charge so difficult to prove in cases in which no overt act may be proved against the prisoner?

There is another consideration which his Excellency begs to draw your attention to



whether it is not necessary that a part of the jury should consist of French Canadians, according to the Quebec ordinances, and whether in that case there will be any difficulty in assembling a jury for the trial of Jalbert.

I have the honour to be, Sir,

Yours, &c.,

The Attorney-General.

(Signed) T. L. GOLDIE, Civil Secretary.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sept. 14, 1839.

Enclosure No. 1.

Enclosure 2 in No. 20.

SIR,

Montreal, 23d July, 1839.

Enclosure No. 2.

I HAVE the honour to acknowledge the receipt of your letter of the 17th instant, signifying, by desire of his Excellency the Governor-General, with reference to the intention of removing the prisoner Jalbert, confined for murder, from Montreal to the district of St. Francis, before the Court is ordered to be held, that I should give my opinion on the following points:—

First. That the evidence that can be brought against Jalbert will be sufficient to convict him of the murder of the late Lieutenant Weir.

Secondly. Whether the charges against Macdonel are of a nature so serious as will justify the Executive Government in departing from the usual course of trial, and removing the prisoner to another district, in conformity with the ordinance?

Thirdly. Whether there is sufficient evidence to convict him (Macdonel) of high treason, a charge so difficult to prove in cases in which no overt act may be proved against the prisoner?

Fourthly. Whether according to the ordinance in that respect the prisoner Jalbert, being a French Canadian, would not be entitled to a jury *de medietate linguæ*, and whether to afford him that privilege there would be any obstacle in assembling a jury?

With regard to the evidence against Jalbert, I have the honour of stating that, if the witnesses attend at the trial, and adhere to the narration contained in the affidavits now in my possession, there can be little doubt of a conviction. It is very notorious, that every artifice has been practised by the political friends of Jalbert to remove those who might criminate him; and even, assuming that those who have given affidavits should attend the trial of Jalbert, it may be doubtful whether they would declare the truth.

In the matter of Mr. Macdonel, I beg leave to remark, that, though the papers in my possession exhibit a long-continued system of disorganization of society, in which Mr. Macdonel was a very active instrument, I think I am justified in reporting to his Excellency that I consider the subjecting of Macdonel to trial not to be expedient; for although the information given to me proves to my satisfaction that he was deeply engaged in the rebellion at the time of his capture, I have reason to apprehend that, in the estimation of a jury, there might be an absence of an overt act.

As to a mixed jury, supposing Jalbert to be put upon trial, I deem it necessary to remark, that, if the trial took place in another district, the privilege granted to him could be exercised; and I have reason to fear that a mixed jury so impanelled would not convict Jalbert, however convincing the testimony might be.

I have, &c.

(Signed)

C. R. OGDEN, Attorney-General.

Major Goldie, Civil Secretary,  
&c. &c. &c.

Enclosure 3 in No. 20.

Extracted from Montreal Gazette, 10th September, 1839.

# COURT OF KING'S BENCH.

3rd September, 1839.

## CRIMINAL TERM.

Trial of FRANCOIS JALBERT for the Murder of GEORGE WEIR, ESQ., (late Lieutenant in Her Majesty's 32d Regiment of Foot,) at St. Denis, on the 23d day of November, 1837—Pleads Not Guilty.

Enclosure No. 3.

## JURORS.

- |                                |                                   |
|--------------------------------|-----------------------------------|
| 1. Etienne Courville,          | 7. Benjamin Trudeau,              |
| 2. Charles le Noir dit Roland, | 8. Amable Desantels,              |
| 3. Pascal le Mieux,            | 9. Daniel M <sup>r</sup> Kercher, |
| 4. Edwin Atwater,              | 10. George Fraser,                |
| 5. Simon Lacombe,              | 11. John Cadotte,                 |
| 6. Alié Deseve,                | 12. John Maybell.                 |

Joseph Pratt, Jean Bte. Maillett, François Jalbert, and Louis L'Hussier were indicted, François Jalbert alone being present.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sept. 14, 1839.

Enclosure No. 3.

Case opened on part of the Crown by Andrew Stuart, Esq., Solicitor-general, who began, by stating their duty, as a jury, in regard to the trial of the prisoner before them, the power and dignity of their important office—urged upon them the necessity of being guided by the evidence, leaving all reports and stories aside. He then stated as follows:—

It is within your recollection that a division of troops started in November, 1837, from Sorel, to go to St. Denis, under the command of Colonel Gore. Lieutenant Weir, of the 32d Regiment, received orders in Montreal to proceed from thence to Sorel, with despatches for him. On the 22d November he (Lieutenant Weir) proceeded, in the morning, by land, Colonel Gore went by water, and arrived at Sorel before Lieutenant Weir. Lieutenant Weir anticipated that he would reach Sorel before Colonel Gore would have left that place: Colonel Gore, however, proceeded or started before the arrival of Lieutenant Weir, so that when the latter arrived at Sorel, he found that Colonel Gore had gone on. He was anxious to reach that officer, and engaged a carter to take him on towards the troops. The road from Sorel to St. Denis, about the distance of four miles from Sorel, branches off into two roads; one of which was taken by Colonel Gore, but Mr. Weir, supposing that the colonel had taken the other, adopted it. In consequence, he missed the troops, and arrived at St. Denis before the troops did. He was brought before Dr. Nelson, who appeared to be in command there, who sent for the *voiture* of one Migneault, and for Captain Jalbert. Migneault came with a waggon and one horse. Mr. Weir's hands were bound with a strap, and he was put into the waggon. After they left the house, the driver removed the strap from his hands, and put it round his waist, holding one end of it. Having arrived opposite the church, a conversation took place. Lieutenant Weir got out of the waggon—he was struck and assailed with a sword by one of his captors. Captain Jalbert, the prisoner before you, was on horseback with a sword, or sabre, at his side. He called out to those in whose charge Mr. Weir was, to kill him, "*Tirez-le, tirez-le, il est déserteur*;" then struck the head of Lieutenant Weir with his sword, which cut through (*l'écrasez*)—the others then followed his example; he received a variety of wounds, which caused his death.

#### EVIDENCE FOR THE CROWN.

JOHN CARTER.—I resided in the early part of November, 1837, at Sorel; I am a captain of militia; met Mr. Weir in the evening before the outbreak of the 23d November, at St. Denis, at Sorel; I received orders from Colonel Jones to cross the river; I arrived at the house of one Mack, who owns the ferry. Lieutenant Weir was challenged by one of us on the other side of the river—"Who goes there?" He replied, "A friend." I told him that he was to go to Sorel with me; he asked me where the 24th regiment's barracks were; I told him I would go over with him and show him; he crossed the river with me, after paying the man with whom he came in a calèche. I then went with him to the barrack-yard; he asked the serjeant of the guard if his baggage had arrived; serjeant said that the baggage had gone with the regiment; went in search of it, but could not find it. On our return, met Mr. Leclere and Mr. Wragg. Mr. Wragg said to Lieutenant Weir, he had better come on with them, meaning to St. Denis; Lieutenant Weir said he wanted his baggage, sword, and sash, and could not find them; he then asked me if I could get him a calèche; we applied in different places, found one, André Lavallé's; Mr. Weir engaged him for a dollar to go six miles to reach the troops; it was a wet night. Lieutenant Weir had on a blue coat or sur-tout; I think he had a large coat with him: he appeared to be very much fatigued; his hands were very cold, so cold, in fact, that he could not, or could hardly get money out of his pockets to pay the carter; his legs were very muddy, and he appeared to be very much fatigued. The troops had started two hours or so before he did for St. Denis. It might be about seven or eight o'clock when he arrived at Sorel—it was dark. Lavallé has been a carter for some years. I do not know what road they intended to take, but it was that to get to the troops.

Examined by Defendant's Counsel.—It might have been about half-past seven when he started for St. Denis; I do not know what time it was, I had not my watch with me. Lieutenant Weir had on a blue coat, but no sword, but appeared to be a military man; I could not be mistaken in his being a military man.

ANDRÉ LAVALLÉ, carter.—Has lived a long time at Sorel; lived there in November, 1837. In the evening previous to the 23d November, 1837, I was engaged by a person who wished to be left at about three leagues from Sorel with the troops. This person, whom I understand was named Lieutenant Weir, was accompanied by Mr. John Carter; he appeared to be in a hurry, and had mud all over him. Left Sorel at eleven or twelve o'clock; I cannot say exactly what time. He told me that perhaps I would overtake the troops at Jones' mills. I thought that the troops started earlier than I understood, for I do not know what time they started. We went to St. Denis. About 15 or 20 arpents from St. Denis, before we arrived there, we were stopped by a guard. They asked us where we were going; I told them, to Chambly; they replied, very well, go on. Four persons on horseback then came on with us to Dr. Wolfred Nelson's house, which is situated on the left-hand side, a little higher than Madame St. Germain's. When we arrived at Dr. Nelson's, they made us get out of the carriage. We were obliged to go into the house. Dr. Nelson showed Mr. Weir into a room, and I was sent to the kitchen. I was stopped or detained there for about an hour, and was then sent away. They told me in the house that they would send him (Weir) where he liked. When I came away, I noticed that Dr. Nelson and Mr. Weir, with an old gentleman, sat at a breakfast-table in the room. Mr. Weir's hair was sandy; his clothes, I think, were black thick stuff, like pilot-cloth, or something of that sort.

Cross-examined.—I understood that I was to take him to the troops. I spoke a little English, and understood him well enough to know his intention. Met no troops, or any



other person, on the road; the road was free. I could not tell whether he was a military man or not; I did not know what he was. When we arrived at the house of Dr. Nelson, the doctor told him to come in, very politely. I have known Dr. Nelson for many years; he was a very polite man; he received Mr. Weir very politely—like a gentleman. I did not see what happened in the room afterwards. When I went away, one hour after, I saw them sitting at the table; I think there were cups on it, but who the breakfast was for I cannot say. I did not know how many the guard was composed of; four of them accompanied us to Dr. Nelson's house; the rest remained. Nobody spoke to Mr. Weir between the guard and Dr. Nelson's house. Guard of four was unarmed. The large guard appeared to me to be armed; I did not look particularly. A good many people in the village were armed; they appeared to me to be about to defend themselves; the going and coming indicated that they expected something. I stayed about an hour at Dr. Nelson's; it was not daylight when I started from St. Denis—about a quarter of an hour before daylight. I returned on the same road; met a great many people (besides the guard which I met) going towards St. Denis; a good many of them armed. I did not see the troops at St. Denis.

By the Court.—I took the route that goes along the river Richelieu, in going to St. Denis, and I returned the same way.

JOHN MASON.—I am an engineer by profession; I resided at St. Denis in November, 1837; I was in the employ of Deschambault and Nelson as engineer; I remember the time when the troops came to St. Denis, and met resistance there; the engine was working in the night, and I attended it; I understood that an officer of Her Majesty had been arrested by the rebels as they were then called, radicals as they are now called; next morning I saw him about seven or eight o'clock in a waggon with a person on the right side of him, one Maillet; Migenault, the postmaster and innkeeper appeared to be driving in front of the waggon; nobody else in at the time; a little time after another person got in; I don't know him; Mr. Weir had his hands tied before him; I saw the waggon leave the house of Dr. Nelson; I saw the prisoner at that time, known as Captain Jalbert; he is, or was, a captain of militia; when I saw him he was on horseback between the waggon and door of Dr. Nelson's house; he had a drawn sword over his shoulder, and I saw the butt end of a pistol sticking out of his left breast; Dr. Nelson gave him orders to use every diligence to deliver him at the encampment of St. Charles to General Brown; Mr. Weir had been in Dr. Nelson's house; Dr. Nelson appeared to have the command or management; when he came out he gave these directions to the persons then present, who were Migneault, the prisoner Jalbert, and Desmarais; the prisoner Jalbert then stretched out his sword and said in English, the only words I ever heard him speak in English, "Drive on;" they went on, the prisoner with them, and at the side of the waggon; I again saw prisoner about three-quarters of an hour or an hour after when he passed me as I was standing at the gate of the distillery in the village, with his sword on his shoulder on horseback; I cannot say positively the time, I did not look at my watch; he rode past about thirty yards to the house of Madame St. Germain, where the rebels were posted, and, flourishing his sword, he told them, "*Je viens de tuer l'officier, voyez-vous son sang*;" the sword appeared to be stained with blood; it was blood; Dr. Nelson answered him, "You old fool, you don't know what you have done," "*Tut, tut, bête, vous ne savez pas que vous avez fait*"; he turned about his horse, and repassed me after remaining at the house but a few minutes; in repassing me he waved his sword before his horse's head and said, "*Je viens de tuer un de nos ennemis*," or "*des ennemis*," I do not know which; from there he went to the mill, tied his horse, and went into the mill; I saw no more of the prisoner that day; I removed my family the next day to the house of one named Guertin, about three miles off; two or three days after the battle of St. Denis I met the prisoner at a bridge, at about three-fourths of a mile from St. Denis; I asked him where he was coming from, he replied he was coming from assembling or collecting men to go to St. Denis; I told him it was no use, as Dr. Nelson had gone away, deserted the village; he said he was very glad, because he was afraid Dr. Nelson would kill him, for having killed the officer; this was on a bridge—Pont Arriot; he remarked afterwards that he did not kill him alone, but Dr. Nelson blamed him most from his being captain; he then said that he had always been a brave man, and if they had killed them all they would have been better off; this was all that took place; the officer referred to I think must be Mr. Weir; I did not see the body of Mr. Weir until it was taken out of the river. Several days elapsed between the day I saw prisoner at Dr. Nelson's and the taking of the body out of the river; the first day of the troops' second arrival at St. Denis we made a general search for the body but could not find it; Colonel Gore was with the troops at St. Denis at that time; it was on the return of the troops under Colonel Gore to St. Denis that the body was found; the second coming might have been six or seven days after the first; on the first day we searched everywhere for the body but could not find it, searched cellars and houses for it; I was going out of the village in the evening, when I met a boy, I do not know his name, with a letter, I asked him where he was going; he said he got the letter at the third range of concession (*3me rang*) for somebody in the village; I took him to Mr. Morse's house, where I knew Colonel Gore lived, and returned to the village; after the delivery of this letter to Colonel Gore the body was found; hearing that the body was found, I went to the place, and saw it there, at the back of the house of one Ayotte; Dr. McGregor and Major Reid were present, and, I think, Mr. Griffin; I think he was the one who told me to take care of the body; there were a good many people present, but I was getting water and fire to thaw the body, so that I had not much time to look about me; I am certain that it was the body of the officer who was at Dr. Nelson's door in the waggon; I was not at the river when it was taken out, the clothes were frozen quite stiff; after taking off the clothes, I removed the body into a sheet; I knew him by the clothes; I would not have known him by his features. The wounds which I dis-

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covered, or saw, on him were—first, a small part of the ear, right ear I think, cut off, a wound on the right side of the body, three or four severe wounds on the side of the neck, a ball wound which entered the left groin and crossed the body, a ball on the left shoulder, which, as I held up the body, Dr. M'Gregor picked out with his penknife, the middle finger of the left hand slit up the middle, which must have been done with a sharp instrument, right hand cut down the wrist to the points of the fingers; I could not tell how it was done; he had several other wounds on the small of the back, and wounds on the head, which must have been very heavy; prisoner, on every occasion when I have seen him, appeared to be sober and in his senses; the prisoner's sword was a heavy sword, like the artillery sword; it appeared to me to be a heavy old French sword; the prisoner came to the distillery to grind this sword.

Cross-examined by Prisoner's Counsel.—I have been taken before a magistrate this spring to make an affidavit of the facts, but never before. I was requested to speak as to what I knew by Mr. M'Cord. The first time I saw him was in the Montreal Gaol, where I was confined as a criminal; I was arrested in March last at St. Lau, north of this; I do not know who arrested me; I never was arrested on a charge of high treason. It was Major M'Cord who came to me; he asked me if I knew anything of the murder of Lieutenant Weir; I told him I wanted nothing to do with the case—there should be enough of themselves to convict Jalbert. I was in the employ of Dr. Nelson when the troops came on; the village of St. Denis was in arms; I cannot say that the whole country, but a good many people were at the camp of St. Denis; I understood that Dr. Nelson was commander; he exercised command. I heard some time before that prisoner had cut down his pole as captain of militia, and took a commission as captain of the rebels under Dr. Nelson; I *heard* so only. The rebels marched up and down the village with Dr. Nelson and prisoner at their head. I do not know who told me that an officer had been taken prisoner, but they knew he was a military man; he was taken on his route from Sorel to St. Denis. Prisoner appeared to be respected by every body there. I do not know whether Dr. Nelson gave him an important post in the rebel army that morning or not. It was said that the troops were advancing before I went to the door; I heard the same report every morning. Armed bodies went from St. Denis in direction of Sorel, and did so several mornings previous. The prisoner was not in the habit of appearing on horseback, with a sword at his side; I have seen him parade his company a number of times; he always appeared on foot. I did not hear that prisoner had an appointment of Major that morning. I did not run after the people, I had my work to attend to. I think it was about ten o'clock when I heard the noise of battle. There were a good many persons present when the waggon started. Prisoner was the only man on horseback in that crowd; it was him who said "Drive on." I remained a minute or so at the door of Dr. Nelson's house, until it stopped at Gerout's house, about 50 or 60 yards distant, and another person got in; I saw the waggon go on after that; and *when* the waggon went off I turned away, and held no conversation with any one. I recognised one Paul Fanaffe at the door of Dr. Nelson's; I recollect Fanaffe being about 40 or 50 yards behind the waggons. I supposed that the officer was placed in charge of prisoner Jalbert, and that he was on horseback to accompany him to St. Charles. I do not remember seeing him flourishing his sword at the head of his company. When prisoner appeared to be returning from St. Charles, he passed and went to Madame St. Germain's house, where a great many people had assembled in the stone house; I was in the gate of the distillery; Madame St. Germain's house is immediately next the distillery. A number of persons must have heard the prisoner; Dr. Nelson is the only person I saw advance to the prisoner at that time; prisoner turned his horse, passed through the gate, attached his horse to a post, and entered the mill. Dr. Nelson remained at St. Denis two days after the battle. I saw the prisoner two or three days after; I do not know whether prisoner left St. Denis before or after Dr. Nelson. It was prisoner and Dr. Nelson's son who came to the distillery to grind their swords; the prisoner ground the sword which he had in his hand on the 23d November. In the Montreal gaol I was confined with the prisoner, in the same cell, for 10 days; I never had any dispute or quarrel with him. One evening there was some noise in the gaol, which the prisoner accused me of making, to the sheriff and gaoler; he, the prisoner, complained of losing his rest; I said, if he thought as much of losing his rest when he murdered Mr. Weir he would not be where he was. I frequently expressed myself in French; I never said in French, "If I do not hang him (meaning prisoner), or cause him to be hung, it shall not be my fault;" I never said such a thing. I was arrested at St. Lau, and put into gaol at Montreal; St. Lau is about 45 miles from Montreal; I resided 10 months at St. Lau before I was arrested; I returned with the troops in the steam-boat from Sorel. I have revisited St. Denis since then.

Were you ever charged with any criminal offence?—Yes.

What was that offence?—I was arrested for stealing a horse, which I took of Mr. Deschambault (I was then, or had been, in his employ), to bring the body of Mr. Weir up to where we could lay him out, which horse I returned to the government; all this I proved to the satisfaction of the magistrate; if I had kept the horse I should not have missed it, as the firm of Deschambault and Nelson owed me above £50.

Were you ever charged with high treason?—No, I should think not, as I carried the wounded soulders on my back, and gave the shirt off my back to them. [The Attorney-General here stated that the witness had not been brought before the court for any criminal offence, to his knowledge.] I was arrested on a charge of stealing two sheep, which I proved I had bought of a *habitant* on the market, and I was admitted to bail. Mr. Weir's body was found four or five acres from where the murder was committed; where it was committed, the mud in a hole that was in the road was full of blood. A short time after Lieutenant



Weir went away I heard firing, not while the prisoner was absent. The people were armed with guns, scythes, &c.

ANN MITCHELL.—I am the wife of John Mason, the last witness; I have not been in court during the trial; I reside in the *Quebec Suburbs*; I resided at St. Denis in November, 1837; was there on the 23d of that month; I remember the time Dr. Nelson and others took possession of the house of Madame St. Germain, to oppose the troops; I was in my own house; my husband, John Mason, was standing in the gate of the distillery, and as I was going out to milk he cried out to me to take in the children; I asked him what I should do with them; at that moment prisoner advanced on horseback, with his sword drawn; I don't understand French, but I heard him say the words "*officier, officier*," and he flourished his sword; I was near enough to my husband to hear him say to get out of the way for fear of the balls; I am certain that it was the prisoner I saw; I saw no more.

Cross-examined.—The first time I saw prisoner opposite Dr. Nelson's was about six or seven o'clock, on horseback; when the prisoner returned it was a short time before the firing commenced; I was very much alarmed; I do not know where the prisoner went to.

PIERRE GUERTIN.—I arrived at St. Denis on 23d November, 1837; on that morning, about five or six o'clock, the prisoner commanded me to guard the officer, Lieutenant Weir, at Dr. Nelson's; I was commanded by Dr. Nelson and the prisoner to guard him; in consequence I remained there till about eight o'clock, Lieutenant Weir being in my charge. I did not see the prisoner from five or six o'clock until the time I received orders from Dr. Nelson to take Lieutenant Weir to St. Charles. The prisoner was armed with a sword or bayonet. I left Dr. Nelson's about eight or half-past eight o'clock; there were a great many persons there; I do not know, or can't say, whether prisoner was there or not; Maillet was there. Lieutenant Weir was clothed with a fear-nought dress or coat. We got into the waggon, Jean Bte. Maillet, François Migneault, and myself, with the officer. On leaving Dr. Nelson's I was not present when the orders were given; but we were going to St. Charles. Lieutenant Weir had a strap round his body, and Maillet held the end of it, and he (Maillet) had a sword in his hand. Migneault was driving. I was armed with a gun. I went on with them as far as Mr. Morse's. When we got there, Migneault and Maillet told me to go out, as they were able to conduct him. They might have gone half an acre or so from me, when I heard some one crying out, and I heard swearing. I turned round and I saw Maillet with his sword raised; the officer was down among the wheels (*parmi les roues*). I do not know whether Maillet had struck him when I turned round, or not. I do not know what Dr. Nelson's orders were in the house, as I was among a number of persons. I heard somebody cry out—it might be the officer; the others were cursing. The cries appeared to be from a person very much in pain. I do not know the colour of the officer's hair; cloth of his coat was shaggy. After this I ran away; I was then ordered to go into the large house.

Cross-examined.—Dr. Nelson gave Lieut. Weir into my custody; I was ordered to go to Dr. Nelson's by command, and I went with my gun. Another person had, with myself, orders to take Lieut. Weir in charge. Lieut. Weir was shown into the front room of Dr. Nelson's house. I saw Migneault, when he came with the waggon, in the same room with Mr. Weir. I do not recollect who sent for Migneault. I saw him arrive; we soon afterwards started. I did not see Dr. Nelson at that time. It might have been eight, or after, when we went into the waggon. Mr. Weir's hands were first tied; they were then untied, and the strap put round his body, and Maillet held the end of the strap. A littler afte we left Dr. Nelson's, and before we arrived at Morse's, his hands were untied; I do not remember who untied them. The strap was about a foot and a half long, or so. Migneault was in front, Mr. Weir was beside him, and I was behind. I do not recollect that Migneault lent his gloves to Mr. Weir; I did not see any on his hands. In going from Dr. Nelson's to Morse's, I did not hear any body tell him, that anything was to be done to him; no reproach or insult was offered by any of us to him. When Mr. Weir got into the waggon, I did not observe any one on horseback; but there might have been, as, to tell the truth, I did not pay much attention at that moment. I did not see any body on horseback that morning. From the time I received orders, at six o'clock in the morning, I did not see the prisoner, till I arrived at Morse's, or near there. After I got out of the waggon, I went, as I was told to do, into the large house. The roads were very bad; I was obliged to get out on that account. I did not see the prisoner going to the large house of Madame St. Germain; I took some time to go there—as any body else would. It might have been between nine and ten o'clock when the firing commenced. I did not see the prisoner at the large house of Madame St. Germain; I went in by the front door, and remained there till the action commenced. I had heard that there were guards on the road, in the direction of St. Ours, but I know nothing of it. After leaving the waggon, I was not far from Maillet, when he lifted his sword. During that time, I saw a number of persons going to Madame St. Germain's house. I did not hear the fire bell; I do not know that prisoner was made major that morning, or hear of it. I heard of none of the appointments.

ELMIRE PLANTE.—I live at St. Denis, and was there on the morning of the engagement; I saw the officer in the waggon with Jean Baptiste Maillet; François Migneault, the post-master, was also in it; I saw the waggon near the house where I lived, in the direction of St. Ours; the officer was not bound; had a strap round his body, I can't say who held the strap, but Migneault was beside him; the waggon was close to the house which I have already mentioned—the house of Mr. Bourdages; I saw the officer jump out of the waggon; Maillet struck at, whether the waggon or officer, I do not know, but the sword broke; the officer was on the ground, I do not know for how long after. I observed that the officer had his hand on his head—his hair was full of blood. I know the prisoner since my infancy; I saw the prisoner that day, after the officer was dead; he had a sword in his hand, drawn over his right

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shoulder; he came to the house to ask if a pistol had not been left there; there was blood on the sword—it was covered; I do not know whether it was fresh or dry; it was at ten the officer had been killed—a short time after, the prisoner came to the steps of the house, but did not get off his horse; the house belonged to Joseph Pratt, my stepfather, to whom the question was put, he replied, he had no knowledge of it, and upon that he took the direction of Dr. Nelson's. This was before any firing took place; my stepfather went into the house immediately after; it was not long after Maillet broke his sword that the prisoner came to the house, and after the officer was dead; I had taken out my beads and said my prayers. After Maillet broke his sword, I did not look again till I had done saying my prayers; I then looked, and the officer was dying; I did not see what took place from the time when Maillet broke his sword, until the time I saw the officer dying—some considerable time had elapsed between these times; I was very much alarmed; I cannot say what time elapsed; I staid in the kitchen in the back of the house.

Cross-examined.—I am sixteen years of age; what I have related is as near as I can recollect; I was upon a gallery, and the waggon was in the middle of the road, which is wide; when I saw the prisoner the officer was dead—when I saw him, he had the sword in his right hand; the house is on the right; I did not see the officer while he was dying—I saw him after he was dead; when the prisoner came to the house, I can say that it was blood was on the sword, not mud nor rust; I did not drink rum, brandy, or any other liquor, that day; I have told some persons who were ridiculing me, that I had done so, to drive away fear; I was not drunk on that day; I told some persons that I was drunk on that day, but I never said that I did not recollect anything that happened; I was not in liquor.

JEAN BAPTISTE GUERTIN.—I resided at St. Denis, in November, 1837; I passed near Mr. Bourdage's house, on the 23d of that month, at about eight o'clock, A.M.; I saw a waggon stopped there, François Toussaint Migneault, postmaster, was in the waggon; Jean Baptiste Maillet was not in the waggon; I saw a person whom I understood to be Lieutenant Weir—he was on his knees, near the wheels, in the road; I saw one Joseph Pratt strike him; I was about 40 or 50 feet from them; Migneault was about four or five paces distant from Mr. Weir when I saw Pratt strike him; before he struck him, Migneault begged him not to strike; I heard Migneault say, "This man is under my charge, I am accountable for him, and no injury must be done to him." From the time of the persons getting out of the waggon, and Pratt striking him, it was two or three minutes, and it was during that time Migneault spoke; Mr. Weir had received injuries before I came up; immediately after the prisoner arrived on horseback; I don't know whether his sword was drawn or at his side, I think it was at his side; I cannot say whether he had a scabbard or not; he came from the direction of Dr. Nelson's, and was going towards St. Charles. I did not see anything after that, as I hurried to get away; I did not see prisoner offer or present a pistol at any one, nor did I hear prisoner order any body to fire a pistol; I saw nobody present a pistol at Mr. Weir; I was told so, but do not know; I never declared so before Messrs. Crebassa and Jones; I did not see any body strike Mr. Weir with a sword, with the force of which blow Mr. Weir fell to the ground; I did not see the prisoner strike Mr. Weir with a sword, nor stab him; I saw the prisoner had a sabre, not a sword; Mr. Crebassa took my affidavit at Sorel.

Cross-examined.—I am not certain whether his sword was in his scabbard or not; his hands were on his bridle; he had a belt round his body; I do not know whether it is the custom to carry the sword in the scabbard or not; Pratt was striking when prisoner came up; I have a personal knowledge that while prisoner was coming up Lieutenant Weir received two blows; but had received blows before, as I saw blood on his hands and head; blood was running from his head before he got the blows from Pratt; the blows given by Pratt were very severe; I cannot say whether Mr. Weir got up or not, as I went away, but after Pratt struck, Mr. Weir fell his length on the ground; I cannot say whether the prisoner struck or not; I did not see the prisoner present a pistol at, or hear him order a pistol to be fired at Mr. Weir.

[The Attorney-General moved that this witness, Jean Baptiste Guertin, be committed to gaol, to answer a charge of perjury, producing at the same time an affidavit taken before Messrs. Crebassa and Jones, and the signature annexed thereto, which the witness acknowledged to be his own. Motion granted.]

FRANCIS WILLIAM GRIFFIN, Esq.—I am a lieutenant in the 32d regiment; I was stationed in Montreal, in the winter of 1837; I know that in November of that year, Lieutenant George Weir, of the 32d regiment, was sent with despatches to St. Denis; before I arrived there it was commonly reported that Mr. Weir had been murdered,—he was missing; I endeavoured, and considered it as a duty, to find his remains; on arriving, the *habitans* were engaged, and told it was their duty to find out where the body was, but the search was in vain,—we could not find it; on the morning of the 4th December I met Major Reid, who told me that he had received a letter addressed to Mr. Duchesnay, signed by a Mr. Hubert, and as he did not understand French, wished me to read it, as he thought it referred to where the body was to be found. The writer said that he viewed it as his duty to give all the information respecting the body in his power,—he had understood that it was buried in a Madame Ayotte's yard, and he had afterwards understood that it had been thrown into the river. By this time some few of the inhabitants had come back to the village,—they went with us to the yard of Madame Ayotte; I directed some of them to get pickaxes and shovels; the yard appeared to be rough in some places, where we commenced digging; we could make little progress, as the ground was frozen very hard. In the mean time some of those who had no tools went to the water-side, and one of them came running to me, saying that he discovered something black in the water; I went down and discovered something waving in the water.



I directed them to remove some large stones, on doing which the body rose to the surface. I examined the body, it was that of the late Lieutenant Weir; he had on a lion skin coat which I had frequently seen before. There were a good many of the *habitans* about, and I desired them to go away, as I was afraid of some of the soldiers coming down and seeing the body. Dr. McGregor took charge of the body, and I went away as I was much affected. I did not see his watch at that time, but I was told that it was found on his body. Madame Ayotte's yard, which appears to be a tanyard, extends to the brink of the river. It was by mere chance that we found the body, as there had been a coat of ice on the river for four days before.

MARIE LOUISE L'HUSSIER, wife of Alexis Ayotte.—I lived at St. Denis, in November, 1837; I left my house about nine o'clock on the 23d November, and went into the concessions; my house is directly in front of Mr. Bourdage's; from my house, through the yard, which is a tanyard, it is about 40 or 50 feet to the river side; I heard a noise in front of the house about half-past eight in the morning, and my daughter and myself went to the door—I cannot say which of us opened the door, I there saw the waggon in front of the house, I saw nobody in the waggon—saw something among the wheels [*parmi les roues*].—I saw a person rise up,—a stranger; the prisoner was there; Maillet and Pratt were there—I saw those three; I was very much frightened; I did not see any wounds; he appeared to be a person in trouble; the prisoner was on horseback; I do not know whether he had anything in his hand; I did not hear the report of a gun while I was there; I saw one of the three strike, I do not know what, or with what; after Pratt struck the officer got up, he did not fall on the first blow given by Pratt, for he was entangled in the wheels; the officer spoke English, I do not know whether supplicating or not; I immediately left the house. When I left the house I think the officer was not dead; I do not know whether the prisoner had anything in his hand or not; I did not remark the hair or dress of the officer; I did not come back to my house until after the body was found; when I saw Pratt strike, I can positively say that the prisoner was present; I never saw the body.

Cross-examined.—I am 59 years of age; I was very much frightened; I cannot say how long I remained there; I did not see the prisoner strike; I left the house from fear; I cannot say that there were many people in the street; I was so alarmed that I could not see all that took place; I say what I saw; I cannot say how many blows Pratt gave; I did not see Migneault; I saw Maillet.

LOUISE AYOTTE.—Lived at St. Denis in November, 1837, with my mother, the last witness. The morning of the troubles of St. Denis I did not go out of the house, which is near Mr. Bourdage's, until I went away with my mother; it is not a great distance from our house to the river side; about eight o'clock I saw a waggon with the officer in it, a good way off—two or three acres distant; I do not know the persons who were present; I have made a declaration before Messrs Jones and Crebassa; I saw Jean Baptiste Maillet; I do not recollect seeing Francois Migneault; I heard that it was an officer that was in the waggon; I saw the prisoner arrive; he came up on horseback; I cannot say what he had in his hands; my sight is as good as my mother's; I saw Joseph Pratt, the baker, there; I saw the officer the prisoner, Joseph Pratt, and Jean Baptiste Maillet; I did not see the officer come out of the waggon; I did not hear the report of a gun; I did not see the officer on the ground; I did not see the waggon arrive; saw the officer in the waggon at a distance of three acres; saw Pratt, Maillet, and the prisoner with it; waggon came from the direction of Dr. Nelson's, going in the direction of St. Charles; I did not see that his hands were tied; I never had any conversation relative to the evidence to be given by me in this cause; having examined the declaration now shown to me, taken before Mr. Crebassa, I declare that the signature thereto annexed is my signature.

Cross-examined.—Mother and myself went off immediately after; the waggon stopped about half an acre from our house; Mr. Bourdage's and Mr. Morse's houses are about three acres apart; when I saw the waggon coming up, it was about two or three acres distant from me; my mother was with me; we went away from the door together; my mother was frightened as much as I was, it may be more so, being older; fear was the cause of our going away; we went up the road that leads towards the concessions as fast as we could, which road is distant from our house about an acre; it was reported, and we heard that morning that an officer of Her Majesty's troops had been taken prisoner on his way to Chambly with despatches, and that the troops were coming to St. Denis; all the village was alarmed; a good while after I heard firing; I heard no firing when the waggon stopped; it was because we heard the troops were coming that we were frightened.

The Court adjourned until Wednesday, the 4th instant, the jury being in charge of the sheriff.

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TRIAL CONTINUED.

FRANCOIS MARCELLEAU DIT LAJOIE.—I have always lived at St. Denis; in November, 1837, on the day when the troops arrived there the first time, I saw an officer in a waggon, opposite the door of Dr. Nelson's house, at the foot of the gallery; I was on the gallery at the time I heard the account of the officer being killed; I may not have heard the whole, but I heard that he was killed near Bourdage's house, opposite the door of Cadieux; I did not go, in consequence, to the place; I went past there the same day, and saw blood on the ground; it might have been eight or half-past eight o'clock when I saw the waggon at Dr. Nelson's house; it might have been nine or half-past nine when I saw the blood on the ground; there was a track on the ground, as though a body had been trailed there; the track appeared to go towards the river; the track led to the rear part of Ayotte's house; Cadieux

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and Ayotte's houses are opposite each other; it appeared as if the man had been killed opposite Cadieux, and dragged behind Ayotte's; I know the prisoner; I saw him the same morning that I saw the waggon, in the village, opposite Dr. Nelson's, on horseback, with his sword drawn in his hand; it appeared to be stained with something, which appeared to me to be blood, but I am not sure, as he passed quick on his horse; he was trotting as he passed by, and was going to the other end of the village; he went in the direction of Madame St. Germain's house; I knew at that time that the officer had been killed; it was I who informed Mr. Hubert, who is present, where the body was; it was a short time after I heard the officer was killed that I saw prisoner pass, and it was after that I passed the place; the prisoner came from the direction of Ayotte's house; it might have been half or three quarters of an hour after the officer started when the prisoner passed; he held his sword over his shoulder.

Cross-examined.—At the time the prisoner passed Dr. Nelson's house, the battle was about commencing; I cannot say if prisoner had any post or not; when prisoner passed with his sword in his hand, he looked like a man going to the fight; if so, it was nothing extraordinary that he should have his sword in his hand; he was going in the direction of the battle; I was on the gallery at Dr. Nelson's when prisoner passed on a trot; it might have been half-past eight or nine o'clock; there were a good many people in St. Denis; there was a great alarm in the village; they were assembled at Madame St. Germain's house; that which occupied my attention was the expected arrival and attack of the troops; I did not see the troops at this time; I knew that they were not far off; the prisoner had a sabre (*moyen sabre*); I did not see the scabbard; I do not know whether it was blood or rust on the sword; I never saw it before; when I saw the prisoner at the door, he had nothing in his hands; I did not see his sword; there were several persons on horseback; I have mentioned Ayotte's and Cadieux's houses, but I do not know whether he was killed there or not; the troops arrived about one hour, or one hour and a-half, after the prisoner passed, to go down towards Madame St. Germain's; I never saw the prisoner's sword before that morning; I was present when the officer in the waggon started from Dr. Nelson's; Migneault, Maillet, and another person, started with him; I did not see the prisoner there at that time; if he had been there I think I should have seen him; I saw the prisoner pass, at eight or half-past eight o'clock, in the direction of Madame St. Germain's; I did not see him return; don't know that he stopped; I did not see him after; I went up the village after the prisoner passed; on my return met Migneault, who told me that a man had been killed, an officer; I met him at the upper end of the village; upon this occasion I saw the blood.

TOUSSAINT FRANCOIS MIGNEAULT.—I live at St. Denis, and am a native of that place; I have been deputy postmaster there during the last 15 years, and have kept a public-house during that period; I have known the prisoner a long time; I know that an officer of the line arrived at St. Denis on the night preceding the 23d November, 1837; I was going out of my house in the morning, about eight o'clock, when I met Sergeant Maillet, and four privates of the militia; Maillet said he came to me, in the name of Dr. Nelson, to ask me to go to his (Dr. Nelson's) house, for the purpose of taking a prisoner to St. Charles; as I wished to keep neutral, I told them I had no waggon; he said they had already provided one; I then went with them, and found the waggon at the door of Dr. Nelson's house; I did not see the officer then, but I saw Dr. Nelson, who, after the usual compliments of the day, said that I was most fit to convey the officer to St. Charles; we entered the room; there were a number of persons in the room; I asked Dr. Nelson if the prisoner was armed, as I had not even a penknife about me; I did not notice the size of Mr. Weir; I think his hair was fair, rather reddish; I think he had a blue coat or jacket on at first, but when we were going away I assisted him to put on a great coat of flushing; or something like it; I remained about ten minutes at Dr. Nelson's; I had no direct orders with regard to the officer; probably the sergeant had, but I know nothing about it; I got into the waggon to drive it to St. Charles; I was on the right, the officer on the left, beside me; and the sergeant (Maillet) and Guertin, with a gun, behind; we had gone but a short distance when, as the roads were bad, we told Guertin to get out, which he did; the officer had given what I understand to be his parole of honour not to escape; we then continued on our route; perceiving that the officer's hands appeared to be blue, I untied the strap which bound them, and gave him my mittens, at the same time assuring him, that he was under my protection, and that no harm should be done him; I spoke to him in French, and a few words in English, but got no answer; after loosening the strap off his hands, the sergeant had fastened it round his (Mr. Weir's) body, and wound the end round his own arm; when we got about a quarter of an acre beyond the church, the waggon going slowly, Mr. Weir sprung out, and fell on the wheels of the waggon, in consequence of Maillet having hold of the strap; Maillet, who had an old French sword-blade, which was about a foot and a-half or two feet long, struck two or three blows, whether with the side or not I do not know; with the side I think; might have struck the wheels of the waggon, and the sword broke; I saw no wound on the officer; I think he cut the collar of his coat; I don't think he inflicted any serious wound; he might have struck him three or four times when he got up; I was rather excited at the moment, and the waggon still went on; and I might have got 40 or 50 paces from the officer, as he had advanced a little towards the troops. (When we started, the troops—the cavalry—were within 12 or 15 acres of the village; when Mr. Weir got into the waggon, he said to Maillet, "Let me see the troops;" Maillet refused.) Maillet cried out for assistance; after I stopped the horse, I got out, and returned to where the officer was; I saw Joseph Pratt striking him with one of those swords called cavalry swords; I think he must have given him 10 or 12 stabs, as he was very much cut; I pushed Pratt back; the officer was then on his hands; I raised him up; three of his fingers were cut off one hand, and his head was cut; I saw Pratt strike him while I was coming up; he received several blows, I cannot say how many; he was gashed terribly, and



surrounded with people; I did not see any blows inflicted by Maillet, while I was in the waggon; the crowd was too large to see through; I got through, and then saw that it was Pratt striking; the prisoner had not arrived when I saw the officer on his hands; I spoke to him in broken English, "What you do, what you do? I promise give you my protection; I can't help it; I believe somebody shot you in a minute;" meaning, "What would you do? I promised you my protection; I can't help you; I think somebody will shoot you immediately;" when I pushed Pratt away, and finished speaking, several persons said, "Finish him, finish him," "*il faut rachever*," the man was dying, and it was with a view of finishing him; when the prisoner arrived he had a sword at his side, and a pistol on the side of his saddle; it is probable that he came there to finish him; the prisoner was one of those who cried out, "Finish him, finish him;" he might have been 10 or 12 feet from the officer; he was on horseback, and could not come into the crowd; I did not hear prisoner say, "*Tirez-le, tirez-le*," the prisoner said, "Finish him, finish him;" I think—I have no doubt—he said so; on the crying out, Louis L'Hussier came up with a gun; levelled it at the officer; the gun snapped three times; L'Hussier went into his house, exclaiming that there was something the matter with his gun; somebody came up with a pistol; I think it was the same man, L'Hussier; the people there insisted upon my finishing him; I said that I was his guardian, and had promised him my protection, and had sworn not to imbrue my hands in the blood of a fellow-creature; they said, "If he won't do it, let us do as much to him;" I then went away to my house; upon my return I thought the man dead, and that I would take the body out of the road; I was very much confounded, but not so much so but that I can say what I saw; I did not hear the pistol; on my return to take the body I saw Pratt was striking the officer; blood gushed out of his neck; I then remarked, "As you have been so barbarous as to kill the man, you should have charity enough to remove the body out of the road, and to assist me to do so." I took hold of the body under the arms, Maillet took hold by the feet, and we dragged him between the houses of Ayotte and another person; the prisoner's sword was not drawn when I arrived; I did not notice him after he said, "Finish him;" I was in the crowd; I wished to put the officer in the waggon, and I would take charge of him; I endeavoured to do so; what I have said you will learn from other witnesses; my back was turned on the prisoner, as my attention was fixed on the officer; it was on being threatened I went away; I cannot say what the prisoner did after I went away, or what took place; I know Lajoie of St. Denis; had no conversation with him.

Cross-examined.—It might have been eight, or half-past eight, when I saw the officer in Dr. Nelson's; I saw him in the dining-room on the left; I recollect what Dr. Nelson said—he said I was the most proper man to conduct him to St. Charles; Dr. Nelson told every body in the house to treat him like a gentleman, which was done; I asked Dr. Nelson what rank he held in the army; he told me that he was Lieutenant Weir; my asking him what rank he held was so as to know how to treat him; I think he said he was of the 24th Regiment, and told me to treat him like a gentleman; he was treated with respect; Dr. Nelson left the house, still the same respect was paid to him; I asked Dr. Kimber to speak to him in English, to prevent his being lonesome; the table was laid before I arrived; Mr. Weir breakfasted there with Dr. Nelson and another person, I think; I do not know what rank the prisoner held; he was a commander; I did not see him at Dr. Nelson's that morning; if he had been there I should have seen him; Dr. Nelson's house is not very long, 40 feet or so; there was no person beside the waggon when it started; I heard the report of firing 15 or 20 acres down; I know that the prisoner was to have some command, from what had been reported of the battle going to take place; when we left Dr. Nelson's, the officer had his hands tied; I perceived his hands were colouring with the cold; they might have been tied tighter in a warm room than in a colder place; seeing this, I untied them, and gave him my gloves, and assisted him to put them on; Maillet said, "I think you are too soft a hand to conduct this man," and tied the strap round the officer's body; I think he must have observed the strap round him in front, but might not behind; Maillet held the strap in his hand behind; not a word of insult was offered to him; I spoke to him in French and English, but got no answer; I intended to tell him I would take him to St. Charles safe; I said, "Me give you my protection;" I think he might have understood me; Maillet did not oppose this; he must have understood me; as soon as we came out of the house we heard firing; the officer might have heard it as well as us, and I supposed from what he said that he heard it, as he said he wished to see the soldiers; Maillet replied, "No, you have time enough;" we had just passed Mr. Bourdage's when the officer sprung like lightning from beside me; he had given his parole, as I understood it, to remain quiet; I am not sure that he did so; I think he said, "Not go," or something of that sort; when he jumped out Maillet held the strap; the waggon was a common waggon, about three feet and a half high; the end of the strap might have been about three feet long; Maillet holding on, the officer came on his knees; I think he had not perceived that Maillet held the end of the strap; Maillet jumped out, and I staid in the waggon; I turned round my head; the officer was running away; the officer and waggon were at a distance of from 30 to 40 feet; Maillet commenced striking before he got out, and struck after he was out; when I came up to the crowd Pratt was striking; the prisoner was not there when Maillet and Pratt struck; when I came up he might have received 15 or 20 blows; his head was cut in streaks, and three fingers cut off; at this time he was on his knees and hands, and the blood was gushing from his head in streams; he was bathed with blood; I think he could not recover; the people were outrageous, agitated, and frightened; there was a report in the upper end of the village that the troops had arrived in the lower end; when I first came up the crowd was not very large; on the officer jumping out the crowd gathered; there was a great crowd between the prisoner and officer; I think he was almost dead; he appeared to suffer a great deal; I think he

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must have been nearly finished when I left; it is possible that a person might have finished him from motives of compassion, but I would not; the tumult was unceasing when the prisoner came up; the people were furious; in my opinion, when I came up, immediate death was desirable: from the conduct of the officer at that time it was impossible to prevent it; I tried, but could not succeed; the prisoner survived but a short time; I heard no pistol fired; it might have been fired when I stopped my waggon; I have known the prisoner from 30 to 40 years; he has always borne a good character, and that of an honest man; has been many years a captain of militia; has been a churchwarden and syndic, who are elected by a majority of voices; in the late war of 1813, I was on the frontier; I recollect the prisoner there, and always knew him for a brave man; brave men are generally humane; the excitement was so great at the time of the murder, that I think if I had interposed my authority and used my greatest endeavours it would have been fatal to myself; I did not hear the words, "*tirez-le tirez-le.*"

Cross-examined by the Court.—On the 23d of November the prisoner was not in Her Majesty's service; the officer's hands were not tied when Dr. Nelson left his house; I do not know by whose orders they were tied; when I left Dr. Nelson's I heard the report of some guns at a distance of 15 or 20 acres; the fire-bell rung; it was my impression that it was the advanced guard which was firing.

Re-appeared ELMIRE PLANTE.—I did not see the pistol fired; I saw the gun fired; Louis l'Hussier fired at the officer, and hit him; the officer was on the ground just dying; I think he must have finished him, as he fired for that purpose; I cannot say how long the officer was on the ground when l'Hussier fired; a short time before l'Hussier fired the officer moved; I cannot say how long I was in the window; not very long; after I said my prayers I had returned to the window; when l'Hussier fired there was nobody present but himself; some persons at a distance; I did not see the prisoner there; the window where I looked out was a garret window in front of the road.

JEAN BAPTISTE CADIEUX, of St. Denis.—I have lived at St. Denis 76 years, although I am not a native of that place; I was a captain of militia; I have no house of my own there; I remember that in November, 1837, the troops came to St. Denis; although old, and my memory might fail me, I remember that; I remember the first time the troops came there; an officer arrived the night before; and the misfortune occurred the next day; he was named to me as Lieutenant Weir; the first time I saw him he was under the waggon and they were dragging him in the mud; I think it was about eight o'clock in the morning; the officer had a strap or cord round his body; I cannot say which; his hands were not tied; when I saw him it appeared as though they had dragged him about 60 feet with the waggon; I remarked, "there is a poor man who has fallen out of the waggon, and they are dragging him;" but I was mistaken, he had jumped out; Migneault held the cord, and Francois Maillet was in the waggon; I knew Pratt, as we were living in the same house; when they stopped, a good many persons gathered around the officer; Maillet was the first who struck him, with a sword or hunting knife, and he broke it; they called Pratt, who was an old man, on his gallery, who went up and gave him several blows; I saw the prisoner come, upon horseback, towards where the officer was, he had a sword at his side, he arrived, drew his sword, and, in my presence, cut him over the head; it appeared to be a heavy blow, and struck with all his force; the deceased fell under the blow, it appeared to strike his head, I think the officer raised his hand to guard off the blow; I then went and shut the shutters and door; I heard, afterwards, that he was not immediately killed, and that they had removed the body between two houses; the prisoner came from below; I shut the shutters and door, because I was too affected; upon shutting the door, I heard somebody say, we will put him between two horses; I did not take time to see if the prisoner's sword was bloody; I heard two shots after that, they appeared to be that of a gun and of a pistol; I did not go and see the body; I heard that the body was taken away in the night, and buried in the yard of Madame Cavalier, near the water. I feel myself in duty called on to state, that the prisoner is subject to absence of mind; what I mean by absence of mind is wanderings of mind; he was a man of example in the parish; he is a father of a family; I do not know whether he was a captain of militia or not, at that time; he is sometimes troubled with these absences of mind for one, two, and three months at a time, and is incapable at those times of attending to his business,—sometimes he shuts himself up in his room; I saw him at St. Denis 15 days before the occurrence alluded to; he did not appear to be labouring under the absence of mind.

Cross-examined.—I have been at the prisoner's house when he was in that state of mind; I perceived plainly when he was in that state; not done on purpose; if you doubt it, there is plenty of evidence at St. Denis; to my knowledge he is sometimes subject to these wanderings for a month; when he is troubled, and something affects him, he is subject to these absences of mind; when he is so, he imagines himself sick, and that's all. Maillet struck first and Pratt struck afterwards; Pratt gave him at last five or six blows; the blows given by Pratt were with all his force, his sword was all notched and bloody; I believed he was in a worse state than he really was, as after he was struck by Pratt, with an effort he rose up; some of the people were frightened, some excited, but more grieved; I think the prisoner's scabbard was of white leather, what is generally used; I think his sword was in it; I am 84 years of age; some people say I am a fool, if I am, I was born so; the prisoner was a man in whom a great deal of confidence was placed; his father was a captain of militia, the prisoner succeeded him; the prisoner was a captain of militia when on the frontier; I was on the frontier at the same time with my company; he was always a brave man,—brave men are generally humane; the prisoner passed for a humane man, but we are all liable to misfortunes in our life; the confusion existing might have caused an absence of mind in him, and was fit to put



him *hors de lui même*; almost immediately after the prisoner inflicted the blow, as I was going into my house, I heard them say, let us put him between the two houses; I heard reports of a gun and pistol subsequent to hearing them say this, and he had already been dragged, I understood, between the houses; I heard that one of the shots was in the head, and the other in the groin; I think that the prisoner was in front of the officer when he struck him, and on horseback; the officer was *de bout* close behind the waggon; he lifted his hand to parry the blow.

DR. ALEXANDER M'GREGOR, assistant-surgeon of the 32d regiment.—I remember that, in November, 1837, a detachment of Her Majesty's troops were sent to Sorel; on that occasion I heard the sad news of the death of Lieutenant George Weir; I knew him well, he was 25 years of age and short of stature. Some days before the body was discovered, Mr. Griffin started for St. Denis; I had made searches for the body with a captain, before Mr. Griffin received the letter; Mr. Griffin read the letter to me, and asked me to go with him to find the body at Madame Ayotte's; we made search with pick-axes and shovels; some of the Canadians went to the water's edge, they came up, and said there was something black in the water; I went down, there was a large pile of stones at the foot of the yard, at the end of which pile of stones we saw a black mass. On taking off some large stones the body floated; the body came up first, the head was under on one side; on removing a large stone placed between the shoulders his head and hair became visible, and his feet without shoes or stockings on. John Mason, a witness in this cause, was there, and helped me to take the body out; the Canadians helped me to get it out; he was frozen so stiff that he would stand on end. There was a strap round the body, which embraced the arms at the elbows, I unbuttoned the coat, took out his watch from his pocket, and knew it to be his. I think we took him to Madame Ayotte's house to undress him; the body was frozen so hard that we had to get hot water to thaw it; Mason helped to lay him out; I had a coffin made, into which he was put, with a shroud; he was removed to the officers' quarters, and remained there until we brought him up to Montreal; on our arrival in Montreal the body was examined in the same state as when taken from the water. On the right side of the neck, below the ear, there was a large sabre wound about five or six inches in length, and one inch in depth, which laid open several arteries of the neck; this blow was sufficient to cause death, it cut all the vessels of the neck as far as the bones; below this, and at an angle with it, there was another wound, of the same length and depth, which met it at a right angle; the wound laid open all the neck, and exposed the wind-pipe and bones of the shoulder; in front on the skull there was another wound, dividing the scalp, and cutting deep into the bone; this appeared to be done with a very sharp instrument. I did not hear Cadieux's evidence, with regard to the blow given by the prisoner; the skull, and brains and bones on the back of the head were a complete pulp; when the head rose above the water, I perceived pieces of bone and brain. On the left shoulder-blade there was a gun-shot wound, and several stabs or wounds; there was also a gun-shot wound in the left groin; I took the ball out of the shoulder, but as I did not judge it necessary to make an internal examination of the body the ball remained in the groin. The wound on the skull was cut into the bone, I could lay my finger in; it appeared to have been given by some person higher than he was; I think he must have been standing when it was given. The wound on the left groin was of a nature to cause death. His left hand had three fingers cut off, the fingers were hatched; none of the pieces of the fingers dropped off when the body was taken out of the water. On the other hand, one of the fingers was cut up the middle, it must have been with a sharp instrument. I think it must have been two separate shots which lodged the balls, one in the shoulder, and the other in the groin. A body after having been in the water some time, on being exposed to the air, generally turns blue; this body appeared white, I supposed from loss of blood. There was another wound on the left ear, which divided it. There were several other wounds on the skull. I do not think the wound on the skull reached the brain. I have known a concussion on the head with a sharp instrument produce death. There were two or three sabre-wounds on the head. I do not know how many wounds were on the body, there were other wounds on the body likely to cause death. From the appearance of the body he might have bled to death, or he might have bled after death; profuse bleeding from various wounds might have caused death without reference to any particular wound. Some of the wounds on the body were sabre-wounds. I saw Mr. Weir dead, and saw him buried.

Dr. F. ARNOLDI, Jr. of Montreal, physician and surgeon.—I have heard Captain Cadieux's and Dr. M'Gregor's testimony; I heard Dr. M'Gregor's description of the wound on the top of the skull, and I heard what Cadieux said regarding the blow given by the prisoner to Mr. Weir on the head with his sword, by the force of which he fell to the ground. The wound under the ear described was sufficient to cause death, if the large arteries were severed; as also the gun-shot wound in the groin, if no medical attendance was had; the chances of death were against the person, without reference to good or ill treatment. There must have been two distinct shots; one in the shoulder, and the other in the groin.

[The case for the Crown is closed.]

#### EVIDENCE FOR THE DEFENCE.

Thursday, 5th September.

The prisoner's counsel having addressed the jury at great length, the following witnesses were called on the part of the prisoner.

1st witness, JEAN BAPTISTE GODBEUX.—I was fireman in Dr. Nelson's distillery in November, 1837; I had been 10 months in Dr. Nelson's employ. The battle took place on the 23d

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November. Mason, a former witness, was engineer; the machinery during all the night preceding the battle was in motion; about seven or half-past seven o'clock, a. m., I was ordered by Mason to desist putting on more fire; I could see the machinery from where I was stationed as fireman, and I saw Mason up above, when he was about the engine; the reason he gave me for putting out the fires was because the troops were coming. Mason took his gun in his hand, left the distillery, and went into a ditch; he went downward; I did not see him join any one; he returned in about a quarter of an hour. Nelson's house is an arpent, or one and a-half from the distillery, and on the opposite side of the road. I heard firing during the quarter of the hour that Mason was absent, in the direction he went; when he returned he said he had learned a piece of news; he said they had just returned from killing a damned dog of a spy. This was between eight and nine o'clock, and the firing had commenced below the village; Mason went up stairs to where the engine was, and, like the others, began firing on the troops.

[The Attorney-General objects to the proving specific facts against Mason, and is sustained by the majority of the court.]

I cannot say how long Mason remained up stairs; I did not see him come down; he did not say where he was during the quarter of the hour that he was absent; he made no boasts of having been elsewhere than at Dr. Nelson's; he told me he had been below firing in the direction of St. Ours. I have known Jalbert 40 years to be a good, respectable, mild man.

Cross-examined. I cannot say precisely the day of the month or week, or the hour, but I recollect the facts. Mason's place at the mill was where the machinery was, and mine was at the fire; there was a partition. I was below and Mason above. From the upper part a person could go out without coming through the part where I was; I do not think that Mason could have gone to Dr. Nelson's without my knowledge. I left for some moments, but the time was so short that I do not know if Mason could have gone to Dr. Nelson's; I had not my eye all the time over the distillery, for my place was down stairs; Mason had charge of the machinery and pumps, and when any thing, such as oil or tallow, was required, it used to be got at Dr. Nelson's. I have no knowledge that Mason left; there were others in the mill; Mason said nothing to me as to where he had been during the quarter of the hour; I judged of the hour by the height of the sun; the weather was very gloomy and bad, and the sun was not brilliant, we generally judge by the sun; it might have been about eight or nine o'clock; I did not stir out of the distillery till the afternoon, Mason went out by the side door; on his return he told me that the officer was killed; immediately after he told me to extinguish the fires Mason went out; he first went up stairs; it was about half-past seven o'clock when he went below, and half-past eight or nine when I saw the troops; I cannot say if any tallow was required that morning.

2nd witness, DAVID GUERTIN.—I live at St. Denis, and recollect the day of the battle there with the troops in November, 1837; I left to go towards St. Ours, whence the troops were coming; Mason, a former witness, was there with a gun between seven and eight o'clock a. m. I found Mason there when I arrived, we were distant about four or five acres from the distillery; Mason remained about half an hour, he was standing up. He afterwards came into Madame St. Germain's, and they were saying that the officer had been killed. It appeared that the report had transpired; I have known Mason since he came to St. Denis; his character is that of a thief; I would not believe him under oath.

Cross-examined.—Since I have known Mason he has always passed for a thief; I know Dr. Nelson to be a brave, honest, and good man. I cannot say if he would have kept a thief in his employ; I once called Mason a thief; he once took some cows which were his own, but the bailiff was afraid to arrest him; he came at night and took them away. Mason had taken a horse from Mr. Deschambault; Mr. Deschambault is connected some way with Dr. Nelson in business; I am cousin to the man who was sent to gaol the other day; Mason stole two hogs, and I ordered my brother to take them away; a man who takes his own cows in the dead of the night is a thief; Mason had promised to pay for keeping them, but he came and took them away; I saw Mason steal the pigs, I don't like Mason too much.

3d witness, PIERRE GUERTIN.—I knew Mason whom I now recognise; he passes for a man who does injuries. Mason took another man's pigs. I would not believe him on his oath.

Cross examined.—Mason did that after the officer was killed; before that period, I believe him to have been an honest man. He took a horse; two cows of Mason's were at my father's, and he (Mason) had promised to pay for their keeping, but he come and stole them.

4th witness, PATRICK BRENNAN.—Is withdrawn, having been in court during trial.

5th witness, FRANCIS DUCLOS.—Is also withdrawn for the same reason.

6th witness, TIM THE KIMBER.—I am a doctor at Chambly; I was at St. Denis on the day of the battle, and I am aware that a post was assigned to Jalbert that day; he was third in command. I have no knowledge that he had any charge of Lieut. Weir; the night preceding the battle, I was at Dr. Wolfred Nelson's in St. Denis, who commanded—Mr. Weir came there about 11 or 12 at night, and he was very cold and wet; it was a boisterous night; they got supper expressly for Mr. Weir; he said he was a gentleman who was travelling for pleasure; they asked him if he had anything to prove that, but did not search his person; he showed a pocket-book, and on a paper were written some unintelligible characters; he denied being a military man, but afterwards avowed it, telling his name and regiment; everything was done to make him comfortable. In the morning we were told that the troops were coming; Mr. Weir was offered breakfast or any other refreshment he wished; Dr. Nelson left to go down below, and ordered every attention to be paid to the officer; I do not know that Jalbert was there: Nelson anticipated a battle, and said to Mr. Weir, that if they were victorious, he might rely on being well treated, and that if the troops were victorious, he might join his



friends; the action began at Madame St. Germain's at 9 o'clock, and I saw Jalbert arrive there when the firing began; I suppose he came to take his post; he had a sword in his hand which was very rusty, the scabbard was of brass, and of the colour of the snuff-box now shown to me. Every one was asking questions at Jalbert about Lieutenant Weir, as it had just become known that he was killed; I saw Jalbert's sword and drew it on the 25th November; I observed that it was quite rusty, and he said "yes, it has been so since 1813." The rust was very old; Jalbert served in 1813. When he came up to Madame St. Germain's, he flourished his sword, for the sake of raising the people; I suppose Doctor Nelson was saying to them that they were in an exposed situation, for the action was commencing; the sabre appeared to be stained, but it might have been with rust or blood: it was very rusty; when I examined it on the 25th what before appeared to me to be blood, seemed rust. I know Mason. When Captain Markham was wounded, I heard reports proceeding from the distillery, so loud that I conceived they came from a rifle or a musket. That evening Mason boasted of having fired several shots, and said he was in the distillery during the battle: after the battle I saw Jalbert at St. Denis for several days; up to the 26th November, I think; Doctor Nelson and Jalbert were on good terms after the battle, and it appeared to me that he placed as much confidence in him after the battle as before.

Cross-examined.—I arrived at St. Denis on the evening of the 20th, and lodged at Doctor Nelson's; I went there to see him; there were many persons at his house: some remarkable men: M. Papineau, Doctor O'Callaghan, and some other gentlemen were there. I was called to attend the wounded; I was not attached to any regiment; I passed the 23d November in Madame St. Germain's house; there were a great number of persons there; I cannot say if they asked her leave to remain or not; I smelt burnt powder there; I was there all day, sometimes below, and sometimes above; I did not see what occurred outside; the troops arrived about nine or half past nine o'clock; it was about that time that Jalbert arrived at the house; I left St. Denis on the 27th.

7th witness, LEON GENDRON.—I know old Mr. Cadieux, a former witness; he is very old; I have heard him say that he did not see very clear; he has said so for two or three years; it was when playing draughts that he said so, and he used to lose because he could not see very clear.

Cross-examined.—I met Jalbert after Mr. Weir's death; he did not tell me that he had killed Mr. Weir; I know Mr. Comeau (witness recognises him) and I told him, that I had been told that Jalbert had killed Mr. Weir; I did not say that he *did* kill him, but that I was told so; I saw Jalbert's sword afterwards; I was in Madame St. Germain's house in St. Denis, on the 23rd.

8th witness, JEAN BTE. L'AFRICAIN.—I know Mason whom I now recognise, and I worked with him about a year at St. Denis; his general character is bad, and he passes for a bad man; he is an ill natured man, and does not bear the character of an honest man.

Cross examined.—I say so from various circumstances. I was told that he was a thief. I found a water barrel with him after the troubles. There was a great confusion with fires and one thing or other, and property was tossing about at that time.

9th witness, LUDGER PLANTE.—I have not been in court during the trial. I am 16 years of age, and brother to Emilie Planté, a witness on the part of the Crown. I recollect of the fight with the troops, and the killing of the officer. My sister was very much frightened; I recollect she took something to give her courage; she took whiskey. I do not know how much she took; it had a little effect on her. She was very much intoxicated. My sister came down stairs, and she said there was a man who had just been killed outside. I went out, and in going, I heard the report of a gun or pistol. My sister said that, before this, Louis l'Hussier fired the pistol. The officer was on the ground. After this I saw Jalbert come up on horseback; I am very certain of this. He was holding the bridle with his hands.

[The Attorney General is here informed that the witness was seen in court yesterday.]

Mrs. Mitchell being then called and sworn, declares that she saw him several times pass up and down.

[By order of the Court, further proof of this is deferred. The witness continues.]

I am sure the officer was dead before Jalbert came up; I cannot say what he said. I was about as far from him as I am now (about 20 feet). Jalbert said that they should not have done that, for that, old as he was, he himself might have taken the officer up in his arms. By this I understood that he could have protected him. He appeared much displeased, and only remained for a few moments. He dismounted, but when he used the reproach he was on horseback. I swear that Jalbert never drew his sword. I know Cadieux, and saw him play at cards and draughts that fall. When he lost the game he said it was because he could not see very well. The candle was on the table. There was, on the day of the battle, a great tumult in the village, especially in the upper part. It was said that the troops were advancing in every direction.

Cross-examined.—I am upwards of sixteen years of age. I have had no conversation with any one respecting my evidence since 1837. My father bought the whiskey that morning, before the battle, and about a couple of hours before the officer was killed. I did not taste it. They told me at least that it was whiskey. The jar was put under the bed. My father is in the States and has been so since the troubles; I do not live with my sister; we have been good and bad friends since then. I spoke to Mr. Lambert about the evidence I was to give. After the officer was dead, no one came to inquire for a pistol. The officer was killed about 9 or half past 9 o'clock. We breakfasted about 7 o'clock, and we knew at breakfast that the troops were coming. I went like many others to Dr. Nelson's to see the officer. Two hours might have elapsed before the officer came up after I left Dr. Nelson's. I was a little afraid. Had Jalbert come up during the time I was in the house, I would not have seen him.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 14, 1839.  
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When I went out he was coming from below. There are about 10 acres between the place where I saw Jalbert and Nelson's house. I cannot say if Jalbert could have gone and returned that distance in the half hour. My sister was intoxicated. I believed what she then said. My sister might sometimes tell a falsehood on oath. She often asks me for money, and I will not give her any. I receive one dollar per month. This is the only difference I have had with my sister. It was the pistol shot that finished Weir. I can say on my oath that he hit him, but he was close to him. I came out just as l'Hussier finished him.

10th witness, LOUIS DU DEVOIR.—I recollect about the officer being killed, and of the battle at St. Denis in November 1837. I was about 45 feet distant when I heard the report of a fire-arm. Previous to this, I did not see Pratt strike the officer, but I saw swords descending on him. I heard two or three times the words "My God, my God, my God" as if proceeding from a person in great agony; I did not approach near the body; after the report of the pistol, I saw Jalbert come from the direction of Madame St. Germain's on horseback. Had Jalbert been there on horseback before, I must have seen him; he was about 20 feet from the body; he said "Stop, stop, my friends don't hurt that man." He might have spoken afterwards, but I did not hear; I did not see him strike the unfortunate person; I do not think that Jalbert went nearer than 20 feet. Some persons arrived and said that the troops were coming up. I knew Mr. Cadieux who is my uncle, and I see him very often: he told me this summer that he could see but very little.

Cross-examined.—My uncle is a very active man, and his memory is good. During a part of the day of the action I was in my own house, and I went also to another concession. Though I heard the officer cry out "My God," I did not stir to assist the unfortunate. It was not safe to go forward, and it was none of my business; I was afraid. Until five or six months ago, I told nothing of what had occurred to any one, but from motives of christian charity I then revealed it; it was not my business to go and save the officer. It was about 7 o'clock and I had not breakfasted. I had arrived two or three minutes before I heard the report of the fire-arms. I cannot say what took place before I arrived. When the officer passed I was in my son-in-law's house. It was three or four minutes from the time that the officer jumped out of the waggon till I heard the shot. I might have done the same, as the others if I had not had a young child to take care of.

11th witness, NARCISSE DU DEVOIR.—I recollect the day on which the officer was killed. I was in the street about 15 feet from the officer. The first thing I saw was Pratt striking him with a sword. The officer was on the ground when I came up, and he appeared very weak. I was near the same place and saw l'Hussier fire on him. There was great excitement I heard. I have not been in court during this trial.

[The Attorney-General declares that he is ready to prove that the witness has been in court, notwithstanding his denial on oath of having been so.]

Aaron P. Hart, advocate, is sworn and declares that he saw the witness in court both yesterday and to day.

Mr. Worth, of the police, also swears to having seen him.

[The prisoner's counsel bring the following testimony to prove that he could not have been.]

Marguerite O'Brien was in the witness chamber, and saw the boys there. I was three quarters of an hour at dinner, but I returned before one o'clock. The boy could not have come up at the time stated by Worth.

[The court prohibits the entering into this evidence as being irregular. The witness N. Devoir is re-called.]

I saw Pratt strike two or three blows; also I saw the pistol fired. The officer was dead after the pistol shot. I then saw Jalbert at a little distance on horseback coming from the direction of Dr. Nelson's. The horse appeared to be galloping and Jalbert held the bridle with both his hands; I am perfectly certain he had no sword in his hand. I cannot say how far Jalbert was from the officer, perhaps 12 feet. There might have been a dozen persons around the body. Jalbert dismounted and appeared to reproach the crowd; I did not hear the words, but he appeared very dissatisfied. I cannot say why Jalbert got off. He left almost immediately after remounting, and went galloping towards St. Germain's house. I know Captain Cadieux and have seen him play at draughts last year. I have heard him complain of shortness of sight.

Cross-examined.—I had not seen the officer when the shots were fired. About 12 persons were around; I was near to him, about three feet distant. I know that the officer was on the ground, for I could see between the legs of the bystanders; I was on one side, to the right. I am 18 years of age; I cannot say if I have grown any for two years. The officer had on a black coat. I did not see Cadieux that day. I did not look behind me. Jalbert could not have arrived before without my seeing him. My attention was engrossed with the officer. Jalbert held his horse by the bridle and he had nothing in the other hand. Though two years have elapsed, I can tell that Jalbert held the bridle with both his hands. I did not hear him say anything; I was about 12 feet distant from him all the time. I did not go up to the body. The instant the gun was discharged I went away.

12th witness, MARGUERITE O'BRIEN.—I lived at St. Denis on the 23d November, 1837. On that day the officer was killed. I saw him pass by in the waggon with three others. The officer had not his hands tied; I left to go to the Presbytery, and when I went there, the officer was on the ground. A man raised his gun at him, but it missed fire. He primed again and fired, and the officer was dead. I was about half an acre distant. Jalbert was on horseback about 40 feet distant. He had his sabre by his side. He made no sign, nor did he give any command. I would have heard or seen him had he done so. About 20 minutes after this the battle began.

Cross-examined.—I was about half an acre from where the officer was. There might have



been 10 or 12 persons there, but they did not exactly surround him. The officer never moved, and from that I know that he received the ball. I was half an acre distant. He received the wound in his left side. The gun once missed fire. There was no waggon there. Although I saw the gun at the person's shoulder I cannot say who fired it. There was no one between me and L'Hussier. I saw the officer very plainly. I think he was dead, but I do not know if he was so. I do not know if the gun was loaded. I was not much afraid.

13th witness, CHRISTOPHE LAPRE.—I lived at St. Denis in November, 1837, and I met a waggon on that day in which were Mignou and Maillot. I had heard before that, that an officer was arrested. He was in the waggon. I did not see that his hands were tied. I did not see the waggon stop; I heard the report of a pistol, and I turned round to see what it was. The officer was on the ground. I think the officer was dead, but I was about an acre distant. I then proceeded on, and at the distance of another acre I met Jalbert on horseback going in the direction of the officer. He must have been two acres distant from the officer. I continued on, and Jalbert overtook and again passed me at the gallop. Twelve minutes might have elapsed from the time that I first saw Jalbert until he again passed me. I found Jalbert at the camp. The battle then commenced. If Jalbert had had a sword in his hand, I think I would have seen it. I have been here since Tuesday, and have remained in the witness room. I know the two boys, and as far as I know they remained down stairs all day. The room is not very large, and we were all together.

Cross-examined.—The boys did not leave to my knowledge. I do not know if they could have left without my knowledge. I went out for a little time. They might have come up. I never approached nearer than an acre to the officer. He was about two feet from the waggon. I only heard one report. He did not appear entangled in the wheels. Jalbert did not speak to me. I was going towards Madame Saint Germain's house, which is eight or nine acres distant from where I was. A person might have gone to Madame Saint Germain's in about two minutes.

14th witness, SOPHIE GUEROUT.—I am 18 years of age, and lived at St. Denis in November, 1837. I was there on the day of the fire. I know the place where the officer was killed. The house was six or seven arpents distant. We left our house in a cart to avoid the troops. On turning the corner I saw the waggon, and the officer was on the ground on his knees. I was opposite to the gate of the convent yard. There were three or four persons round the officer. I saw one blow struck with a sword. I did not know any of the people, nor did I see Jalbert. The officer was on his knees lamenting. Had Jalbert passed I would have known him. I was dreading the approach of the troops, and had Jalbert been coming up, I would have seen him. Since Tuesday last I have been from morning till evening in the witness room below. The two boys did not leave at all. Marguerite O'Brien was gone only half an hour. I then went out with the boys. When Marguerite O'Brien was absent the boys were always with me.

Cross-examined.—The two boys did not leave when Marguerite O'Brien was absent. We went to a place near Mr. Pigeon's to get a drink of water, and remained 10 minutes. The convent at St. Denis is near the church. I do not know where Cadieux's house is. I have always lived at St. Denis. I entered the yard for an instant. I went in immediately after the blow was given to the officer. I saw no one after this, nor anything which occurred.

Six o'clock.—The court is adjourned until to-morrow morning, at 10 o'clock.

FRIDAY, 6th September.

15th witness, PIERRE BOURGEOIS.—Having been in court, is withdrawn.

16th witness, JEAN BAPTISTE BLANCHETTE.—I live at St. Charles. I have known Capt. Cadieux for 35 years. He is a very obstinate man. He is a headstrong man—very obstinate. I have known him to be most unreasonable; he has no property. In November, 1837, the country around the Richelieu was in a state of great agitation. The magistrates could not enforce obedience, and many people were obliged to fly.

Cross-examined.—I was at St. Denis on November 23d. I do not think it is easy to put things into Cadieux's head. All that I can say is, that he is an obstinate man. He is an honest man.

17th witness, LOUIS EDOUARD HEBERT.—I lived at St. Denis in November, 1837. I remember the engagement there. My house is next to Dr. Nelson's. It is on the opposite side of the road, about 84 feet distant. I recollect seeing a waggon pass my door, in which were Maillet and Mignou, besides a stranger, who, I understood, was the officer. There was no person on horseback near the waggon. I did not see Jalbert there that day. They could not have taken more than two minutes to come from Dr. Nelson's. Jalbert was a captain of militia, a churchwarden, and a school trustee. He is generally respected, and bears a good character. I know Capt. Cadieux; he is a very old man.

Cross-examined.—I have known Capt. Cadieux for 40 years. He is a perfectly honest man. I never made a declaration to any one to the effect that I did not know who passed in the waggon. I only remained at my door whilst the vehicle passed. I was not at the door when the vehicle came up, but merely saw it passing. A man might have passed on horseback an instant before or after the waggon. I only looked in the direction of St. Charles. A person might have been coming from the direction of Dr. Nelson's without my seeing him.

17th witness, ELEANOR FORTIER.—I know that the two boys recently examined here remained down stairs yesterday. Marguerite O'Brien went away to dinner about two o'clock. She went about the middle of the day and was absent about half an hour. The boys were in the room during her absence. I went out with them when Miss O'Brien went out. I was with them all afternoon, when we returned.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 12, 1839.  
Enclosure No. 3.

No. 20.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 14, 1839.

Cross-examined.—I have only been here for two days. By the middle of the day I mean half-past one or two o'clock.

The defence is here closed, and the Attorney-General addresses the jury. The judge then delivers the charge, and the jury retired at half-past four o'clock.

Enclosure No. 4.

(No. 113.)

No. 21.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE,  
G.C.B., to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 16 September, 1839.

No. 21.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sept. 16, 1839.

I HAVE the honour to acquaint your Lordship, that, it having been reported some months since, that many of the habitants of the Seigniories in this district were continually passing the frontiers, and that an unusual emigration from the province was taking place, I requested the Catholic Bishop of Montreal to desire the curé of each parish to send in returns of the exact number of persons who had quitted their respective parishes.

From the annexed letter from the bishop, your Lordship will be glad to be informed that the greater part of the habitants who are absent from the Seigniories, have left their parishes in search of work, and that their numbers do not exceed those of preceding years, at the season in which the habitants generally resort to the United States to obtain the higher wages which are given to labourers.

I have, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure.

MONSIEUR,

Montréal, 10 Septembre, 1839.

Enclosure.

D'après ce qui avoit été convenu, il y a quelque temps, entre votre Excellence et moi, j'ai écrit aux curés des paroisses situées au sud du Fleuve St. Laurent, sur l'état de l'émigration de leurs paroissiens dans les États-Unis; et j'ai appris d'eux, avec plaisir, que cette émigration n'a surpassé dans l'année présente aucune de celles qui avoient lieu les années précédentes, même en temps de paix: que cette émigration étoit généralement très-peu de chose; et qu'elle se composoit principalement d'hommes qui, partant au printemps pour chercher de l'ouvrage chez nos voisins, ont coutume de revenir l'automne dans leur pays.

J'ai l'honneur d'être très-respectueusement, Monsieur, de votre Excellence,

Le très-humble et obéissant serviteur.

Son Excellence le Gouverneur en Chef.

+ J. J. Ev. Cath. de Montréal.

(No. 114.)

No. 22.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE,  
G.C.B., to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 17th September, 1839.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.

For Lord Glenelg's  
despatch, No. 45,  
of 25th Jan., vide  
Correspondence re-  
lative to British  
North America,  
ordered to be print-  
ed, February, 1839,  
p. 98.

HAVING in compliance with the instructions conveyed in Lord Glenelg's despatch, No. 45, of the 25th January, 1839, caused inquiry to be made in respect of the sale of clergy reserved lands in Lower Canada, with reference to the provisions of the Imperial Act, 7th and 8th Geo. 4, cap. 62, I have now the honour to transmit for the information of Her Majesty's Government returns furnished by the Crown Lands Department, containing the statements required on the subject, together with a report from the Commissioners of Crown Lands thereon, and the opinion of the Attorney-General on the legal questions raised by Lord Glenelg.

I have, &c.

(Signed)

J. COLBORNE.

The Marquis of Normanby,  
&c. &c. &c.



Enclosure 1 in No. 22.

**LOWER CANADA.**—Return showing the whole Amount of Acres of Clergy Reserves included in Letters Patent on the 1st of July, 1829, and the Number of Acres appropriated to the Clergy by Patent in each subsequent year to 31st December, 1838.

Year.	No. of Acres Reserved prior to 1st July 1829.			No. of Acres Reserved subsequent to 1st July, 1829.	Total No. of Acres Reserved.			Year.	No. of Acres Reserved prior to 1st July, 1829.			No. of Acres Reserved subsequent to 1st July 1829.	Total No. of Acres Reserved.				
	A.	R.	P.		A.	R.	P.		A.	R.	P.	A.	R.	P.	A.	R.	P.
1796	8,179	0	0	..	8,179	0	0	1818	3,158	0	0	..	3,158	0	0		
1797	22,075	2	33	..	22,075	2	33	1819	2,217	0	0	..	2,217	0	0		
1798	12,743	0	0	..	12,743	0	0	1820	252	0	0	..	252	0	0		
1799	19,780	0	0	..	19,780	0	0	1821	450	0	0	..	450	0	0		
1800	48,064	0	0	..	48,064	0	0	1822	14,224	0	0	..	14,224	0	0		
1801	43,000	0	0	..	43,000	0	0	1823	9,157	0	0	..	9,157	0	0		
1802	75,525	0	0	..	75,525	0	0	1824	10,963	0	0	..	10,963	0	0		
1803	64,393	2	0	..	64,393	2	0	1825	397	0	0	..	397	0	0		
1804	32,574	0	0	..	32,574	0	0	1826	720	0	0	..	720	0	0		
1805	22,444	0	0	..	22,444	0	0	1827	7,467	0	0	..	7,467	0	0		
1806	24,347	0	0	..	24,347	0	0	1828	6,233	2	0	..	6,233	2	0		
1807	17,149	0	0	..	17,149	0	0	1829	460	0	0	..	460	0	0		
1808	7,369	0	0	..	7,369	0	0	1829	..	1,068	0	0	1,068	0	0		
1809	11,107	0	0	..	11,107	0	0	1830	..	5,720	0	0	5,720	0	0		
1810	12,545	0	0	..	12,545	0	0	1831	..	14,034	1	24	14,034	1	24		
1811	6,238	0	0	..	6,238	0	0	1832	..	23,437	0	0	23,437	0	0		
1812	7,825	0	0	..	7,825	0	0	1833	..	11,297	0	0	11,297	0	0		
1813	Nil.			..	Nil.			1834	..	9,189	0	0	9,189	0	0		
1814	4,124	0	0	..	4,124	0	0	1835	..	23,826	2	0	23,826	2	0		
1815	8,257	0	0	..	8,257	0	0	1836	..	18,412	3	7	18,412	3	7		
1816	10,521	0	0	..	10,521	0	0	1837	..	11,077	0	10	11,077	0	10		
1817	5,520	0	0	..	5,520	0	0	1838	..	10,354	2	31	10,354	2	31		
463,780 0 33					463,780 0 33			From Col. 1. Acres	55,698 2 0	128,416 1 32	184,114 3 32						
									463,780 0 33	..	463,780 0 33						
									519,478 2 33	128,416 1 32	647,895 0 25						

(Signed) JOHN DAVIDSON,  
T. BOUTHILLIN.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 2.

Enclosure 2 in No. 22.

LOWER CANADA { RETURN showing the Number of Acres of Clergy Reserves sold in each Year,  
the Price at which they were offered, and that which they obtained, and  
the extent of the Lots bought by each Purchaser, from 1827 to 1838 inclusive.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each indivi- dual in each Year.	Total Number of Acres sold in each Year.
1827	Nil	Nil	s. d.	s. d.	Nil	Nil	Nil
1828	"	"	"	"	"	"	"
1829	Inverness . .	James Anderson . .	4 0	4 0	100	100	1,100
	"	William Laing . .	4 0	4 0	100	100	
	"	John Webster . .	4 0	4 0	100	100	
	"	William Stevens . .	4 0	4 0	100	100	
	"	John Little . .	4 0	4 0	100	100	
	"	Arnold Aldrick . .	4 0	4 0	100	100	
	"	William Bennett . .	4 0	4 0	100	100	
	"	George Davidson . .	4 0	4 0	100	100	
	"	John Somerset . .	4 0	4 0	100	100	
	Hull. . .	Valentine Harbuck .	5 0	5 0	200	200	
1830	Stoneham . .	John Staples, sen. .	4 0	4 0	100	100	
	"	John Staples, jun. .	4 0	4 0	100	100	
	"	John Cassin . .	4 0	4 0	100	100	
	"	Peter Martin . .	4 0	4 0	100	100	
	"	Martin Hogan . .	4 0	4 0	100	100	
	"	Martin M'Donald . .	4 0	4 0	100	100	
	"	John Smith . .	4 0	4 0	100	100	
	"	Richard Coady . .	4 0	4 0	100	100	
	"	Christopher Wilson .	4 0	4 0	100	100	
	Tewkesbury . .	William Crawford . .	4 0	4 0	100	100	
	"	Matthew Moore . .	4 0	4 0	100	100	
	"	Phillip Quin . .	4 0	4 0	100	100	
	"	Patrick Murphy . .	4 0	4 0	100	100	
	"	James Cowan . .	4 0	4 0	100	100	
	"	John Connell . .	4 0	4 4	100	100	
	"	John Crawford . .	4 0	4 0	100	100	
	Inverness . .	James Henderson . .	4 0	4 0	100	100	
	"	William Henderson .	4 0	4 0	100	100	
	"	Peter M'Killop . .	4 0	4 0	100	100	
	"	John M'Killop, jun. .	4 0	4 0	200	200	
	"	John M'Killop . .	4 0	4 0	100	100	
	"	Neil M'Killop . .	4 0	4 0	100	100	
	"	John Cook . .	4 0	4 0	100	100	
	Hull . .	Thomas Buck . .	5 0	5 0	200	200	
	"	James Taylor . .	5 0	5 0	200	200	
	"	Richard Austin . .	5 0	5 0	200	200	
	Grantham . .	Hon. J. Richardson .	2 6	2 6	5600	5600	
	Frampton . .	William Morrow . .	4 0	4 0	100	100	
	"	David Wilson . .	4 0	4 0	100	100	
	"	James Butler . .	4 0	4 0	100	100	
	"	John Duff . .	4 0	4 0	200	200	
	"	John Ross . .	2 6	2 6	300	300	
	Wickham . .	Christopher Menut . .	2 6	2 6	114	114	
	Nelson . .	Albert Robinson . .	4 0	4 0	142	142	
	Ireland . .	John Keogh . .	5 0	5 0	100	100	
	Buckingham . .	Smith Sanborn . .	7 6	7 6	200	200	
1831	Leeds . .	James Kennedy . .	4 0	4 0	200	200	9,956
	"	Zacharias Goff . .	4 0	4 0	200	200	
	"	George Hume . .	4 0	4 0	109½	109½	
	"	John Craig . .	4 0	4 0	109½	109½	
	"	James Sharp . .	4 0	4 0	100	100	
	"	John Bunting . .	4 0	4 0	100	100	
	"	Charles Cannon . .	4 0	4 0	100	100	
	"	Thomas Johnston . .	4 0	4 0	100	100	
	"	William Morrison . .	4 0	4 0	100	100	
	"	William Read . .	4 0	4 0	100	100	
	"	Hugh Maxwell . .	4 0	4 0	100	100	
	"	Robert M'Kibbon . .	4 0	4 0	100	100	
	"	Andrew Dunn . .	4 0	4 0	100	100	
	"	Alexander Dunn . .	4 0	4 0	100	100	
	"	James Glen . .	4 0	4 0	100	100	
	"	William Maxwell . .	4 0	4 0	100	100	
	"	Francis Larmouth . .	4 0	0	100	100	
	"	Alexander Larmouth .	4 0	4 0	100	100	



Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1831	Leeds . . .	William Nichol . .	s. d.	s. d.			
		James Oliver . .	4 0	4 0	100	100	
		William Oliver . .	4 0	4 0	100	100	
		Samuel Greene . .	4 0	4 0	100	100	
		John Greene . .	4 0	4 0	100	100	
		Robert Phillips . .	4 0	4 0	100	100	
		Samuel Phillips . .	4 0	4 0	100	100	
		John Baxter, jun. .	4 0	4 0	100	100	
		William Strain . .	4 0	4 0	100	100	
		James M'Callum . .	4 0	4 0	100	100	
	Frampton . .	John Ewart . .	4 0	4 0	100	100	
		Robert Layfield . .	4 0	4 0	80	80	
		Patrick Fitzgerald .	4 0	4 0	100	100	
		James Falls . .	4 0	4 0	100	100	
		James Franklin . .	4 0	4 0	100	100	
		Walter Fitzgerald .	4 0	4 0	100	100	
		Thomas Kingston . .	4 0	4 0	100	100	
		Ferdinand M'Donald .	4 0	4 0	100	100	
		Moses Jordan . .	4 0	4 0	100	100	
		Col. F. G. Heriot . .	2 6	2 6	200	400	
	Wickham . .	Ditto . .	2 6	2 6	200		
	Grantham . .	Rev. Edward Black .	5 0	5 0	200	200	
	Bristol . .	Thomas A. Stayner .	2 6	2 6	800	800	
	Chatham . .	Henry M'Dowell . .	2 6	2 6	200	200	
		Thomas Duncan . .	2 6	2 6	200	200	
		John Meikle . .	3 0	3 0	100	100	
		Elijah Banning . .	3 0	3 0	100	100	
		Duncan M'Kenzie . .	2 6	2 6	100	100	
		William Young . .	2 6	2 6	100	100	
		Peter M'Gibbon . .	2 6	2 6	100	100	
		John M'Callum . .	2 6	2 6	100	100	
		John Thompson . .	3 0	3 0	100	100	
		John Thompson, jun. .	3 0	3 0	100	100	
		Henry Purse . .	2 6	2 6	100	100	
	Inverness . .	James Gillis . .	4 0	4 0	100	100	
		John M'Killop . .	4 0	4 0	100	100	
		James Lemon . .	4 0	4 0	100	100	
		James Cook . .	4 0	4 0	100	100	
		Robert Hill . .	4 0	4 0	100	100	
		David Andrews . .	4 0	4 0	100	100	
		James Redfern . .	4 0	4 0	100	100	
		Robert Wilson . .	4 0	4 0	100	100	
		Price Slatter . .	4 0	4 0	100	100	
		Jonathan Slatter . .	4 0	4 0	100	100	
		Alexander Cooke . .	4 0	4 0	100	100	
		William Hamilton . .	4 0	4 0	100	100	
		Alexander Stewart .	4 0	4 0	100	100	
		Donald Stewart . .	4 0	4 0	100	100	
		James Steel . .	4 0	4 0	100	100	
		Daniel Cook . .	4 0	4 0	100	100	
		Thomas Dempsey . .	4 0	4 0	100	100	
		John M'Caverty . .	4 0	4 0	100	100	
		Robert M'Clatchy . .	4 0	4 0	100	100	
		Mary Moore . .	4 0	4 0	100	100	
	Rawdon . .	Alexander M'Kinnon .	4 0	4 0	100	100	
		Daniel M'Kinnon . .	4 0	4 0	100	100	
		Duncan Sillars . .	4 0	4 0	100	100	
		John Sillars . .	4 0	4 0	100	100	
		James M'Kinnon . .	4 0	4 0	100	100	
		Duncan M'Kelvie . .	4 0	4 0	100	100	
		Peter Hamilton . .		4 0	4 0	100	100
		John Kelso . .		4 0	4 0	100	100
		John M'Killop . .		4 0	4 0	100	100
		John Merham . .		4 0	4 0	100	100
	Ascot . .	Donald Crawford . .	4 0	4 0	100	100	
		Rev. J. E. Burton . .	4 0	4 0	200	200	
		Jos. H. Terrell . .	6 9	6 9	147	147	
		William Hunting . .	7 6	7 6	100	100	
		Seth Hunting . .	7 6	7 6	100	100	
		Phineas Stone . .	10 0	10 0	50	50	
		William Hunting, jun. .	10 0	10 0	150	150	
	Hanstead . .	Ichabod Smith . .	15 0	15 0	200	200	
	Nelson . .	John M'Intyre . .	4 0	4 0	200	200	

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Sir John Colborne  
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Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individ- ual in each Year.	Total Number of Acres sold in each Year.	
1831	Nelson . . .	Robert Cox . . .	s. d. 4 0	s. d. 4 0	100	100	12,368	
	"	Robert Longmore . .	4 0	4 0	100	100		
	"	Robert Longmore, jun.	4 0	4 0	100	100		
	"	James Johnston . .	4 0	4 0	100	100		
	"	Mary Welsh . . .	4 0	4 0	100	100		
	Kinsey . . .	Ralph Abercromby . .	7 6	7 6	36	36		
	"	Francis Blake . . .	7 6	7 6	36	36		
	Hull . . .	Rev. Mr. Annesly . .	12 6	12 6	200	200		
	Eaton . . .	John M. Babbitt . .	7 0	7 0	100	100		
	"	Enos Alger . . .	6 0	6 0	50	50		
	Granby . . .	Charles Collins . . .	5 0	5 0	200	200		
	Ireland . . .	Donald M'Lean . . .	5 0	5 0	200	200		
Templeton . . .	John Cameron . . .	5 0	5 0	200	200			
1832	Frampton . . .	John Rowland . . .	4 0	4 0	200	200	6,973	
	Hull . . .	Philemon Wright . .	5 0	5 0	906	1,190		
	Buckingham . . .	Ditto . . .	5 0	5 0	200			
	Lochaber . . .	Ditto . . .	15 0	15 0	84			
	Hull . . .	George M'Connell . .	7 6	7 6	200	200		
	Buckingham . . .	Smith Sanborn . . .	7 6	7 6	200	200		
	Tingwick . . .	William Sheppard . .	5 0	5 0	600	600		
	Dudswell . . .	George H. Ryland . .	4 0	4 0	200	200		
	Stanstead . . .	Samuel Harvey . . .	9 0	9 0	135	135		
	"	Eliphalet Bodwell . .	10 6	10 6	140	140		
	"	Nathaniel Bacheller . .	10 0	10 0	100	100		
	"	Hiram Bishop . . .	10 0	10 0	70	70		
	Barnston . . .	John Doolittle . . .	10 6	10 6	128	128		
	Shipton . . .	John Malvina, et al. .	5 3	5 3	208	208		
	Onslow . . .	Andrew Sanstrom . .	7 6	7 6	200	200		
	Halifax . . .	John Glass . . .	4 6	4 6	200	200		
	"	Charles Campbell . .	4 6	4 6	200	100		
	"	William Cowan . . .	4 6	4 6	130	130		
	"	Thomas C. Lee . . .	4 6	4 6	200	200		
	Grenville . . .	Hugh M'Neil . . .	1 3	1 3	200	200		
	"	Allan M'Ginnis . . .	2 6	2 6	100	100		
	"	Low and Hamilton . .	1 6	1 6	100	200		
	"	Ditto . . .	1 3	1 3	100			
	"	Alex. Dwiroe . . .	1 3	1 3	200	200		
	"	Angus Leviston . . .	1 3	1 3	300	300		
	"	John M Ginnis . . .	2 0	2 0	100	100		
	"	Robert M'Gibbon . .	2 7	2 7	200	200		
	"	Samuel Steele . . .	1 3	1 3	100	100		
	Grenville Augmen	David Bates . . .	2 6	2 6	100	100		
	"	Duncan M'Callum . .	2 6	2 6	200	200		
	"	Arch. Campbell . . .	2 6	2 6	100	100		
	"	James Bates . . .	2 6	2 6	100	100		
	"	Robert Bates . . .	2 6	2 6	100	100		
	"	John Bates . . .	2 6	2 6	100	100		
	"	George Bates . . .	2 6	2 6	100	100		
	Chester . . .	Hon. John Stewart . .	4 6	4 6	172	172		
	"	Thomas Douglass . .	4 6	4 6	200	200		
	Nelson . . .	Jane O'Neil . . .	4 6	4 6	100	100		
	1833	Frampton . . .	James Murphy . . .	4 0	4 0	100		100	6,973
"		Mic. O'Brien . . .	4 0	4 0	100	100		
"		Phillip Martin . . .	4 0	4 0	327	327		
"		Edward Brennan . .	4 0	4 0	100	100		
Barnston . . .		Ebenezer Hacket . .	10 6	10 6	64	64		
"		John Marsh . . .	10 6	16 6	64	64		
"		Ben. Pomroy . . .	7 0	7 0	100	239.3.7		
Compton . . .		Ditto . . .	15 0	15 0	99.3.7			
"		Ditto . . .	7 0	7 0	40			
Barnston . . .		Marshall Pope . . .	8 0	8 0	20	20		
"		Wright Chamberlin . .	6 3	6 3	200	300		
Stanstead . . .		Ditto . . .	7 0	7 0	100	79.1.13½		
Barnston . . .		David Barus . . .	8 0	8 0	79.1.13½			
"		John Walker, jun. . .	8 0	8 0	79.1.13½	79.1.13½		
Compton . . .		Samuel Richardson . .	7 6	7 6	93	93		
Barnston . . .		Daniel Sutton . . .	8 0	8 0	39.2.26½	39.2.26½		
"		George Thomas . . .	4 9	4 9	100	100		
"		Elisha Thomas . . .	8 9	8 9	135	135		
"		John Jones . . .	7 6	7 6	50	50		
"		A. Workman and J. M'Lean	8 9	8 9	65	65		
"		David Senter . . .	6 6	6 6	100	100		
"		Moses Norris . . .	6 0	6 0	50	50		



Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each indivi- dual in each Year.	Total Number of Acres sold in each Year.
1833.	Barnston . .	Joseph Walker . .	s. d.	s. d.	22	22	
	"	Levi Lock . . .	6 6	6 6	50	50	
	"	Marcus Child. . .	7 0	7 0	150	150	
	Compton . .	Hollis Smith . . .	6 3	6 3	40.3.27	120.3.27	
	"	Ditto . . . . .	15 0	15 0	80		
	"	D. C. Richardson .	8 6	8 6	7	7	
	"	Reuben Moore . .	20 0	20 0	50	50	
	"	Levi Wyman . . .	9 0	9 0	50	65	
	"	Ditto . . . . .	9 0	9 0	15		
	"	Stephen Bartlett .	10 6	10 6	100	100	
	"	Warren Betts . .	11 3	11 3	100	100	
	"	Polly Bachelder .	11 3	11 3	120	120	
	"	Joseph Longer . .	8 0	8 0	200	200	
	Durham . .	Jas. and A. Irwin .	8 0	8 0	50	50	
	"	John Irwin . . .	5 0	5 0	50	50	
	"	Webber Reid. . .	5 0	5 0	196	196	
	"	Thos. Brickley . .	5 9	5 9	100	100	
	"	Stephen Barnard. .	5 3	5 3	107	107	
	"	H. Cummings . .	5 6	5 6	100	100	
	"	N. Cummings and W.	6 0	6 0	100	100	
	"	Reed . . . . .	6 0	6 0	100	100	
	"	Ben. Brickley . .	4 6	4 6	76	76	
	"	William Gavany .	4 6	4 6	50	50	
	"	Chris. Lister . .	4 6	4 6	100	100	
	"	William Lister . .	5 0	5 0	100	100	
	"	P. S. Ramsay. . .	6 0	6 0	100	100	
	"	John Bothwell . .	5 0	5 0	100	100	
	"	Alex. Bothwell . .	5 0	5 0	24	24	
	"	Webber Reid, jun. .	4 6	4 6	66.2.26 $\frac{3}{4}$	66.2.26 $\frac{3}{4}$	
	Eaton . . .	John Moore . . .	5 0	5 0	50	50	
	"	David Farnsworth .	5 6	5 6	50	50	
	"	Esther Cook . . .	8 6	8 6	100	100	
	"	Horace French . .	7 0	7 0	100	100	
	"	Rev. Jon. Taylor .	7 6	7 6	54.2.28	54.2.28	
	"	B. Hammond . . .	15 0	15 0	50	50	
	"	H. Lothrop . . .	8 0	8 0	200	200	
	"	George Lindsay . .	7 6	7 6	100	100	
	"	Jones Garnsby . .	7 6	7 6	100	100	
	"	J. M. Babbitt . .	6 3	6 3	100	100	
	Hatley . . .	William Hipwell .	7 0	7 0	200	200	
	"	Ebenezer Bacon . .	8 6	8 6	100	100	
	"	Robert Harvey . .	7 0	7 0	100	100	
	"	Jesse Wadley . .	10 0	10 0	50	50	
	"	A. B. Abbott. . .	10 0	10 0	160	160	
	Kingsey. . .	Robert Trenholme .	6 6	6 6	100	100	
	"	William Nunns . .	5 0	5 0	100	100	
	"	Richard Beard . .	5 0	5 0	104 $\frac{1}{2}$	104 $\frac{1}{2}$	
	"	John Wadleigh . .	4 6	4 6	104 $\frac{1}{2}$	104 $\frac{1}{2}$	
	"	William Towne . .	4 6	4 6	100	100	
	Granby . . .	Rev. Thos. Johnston.	5 3	5 3	10		
	Hatley . . .	Ditto . . . . .	13 9	13 9	50	210	
	"	Ditto . . . . .	11 0	11 0	100		
	"	Ditto . . . . .	10 0	10 0	50		
	Melbourne . .	D. H. Stevens . .	6 3	6 3	50	50	
	"	Ira Greenwood . .	6 3	6 3	50	50	
	"	Noah Lawrence . .	6 3	6 3	50	50	
	"	Joseph Gallup . .	8 0	8 0	200	200	
	"	Jonathan Fowler .	10 0	10 0	135	135	
	"	Chauncey Clark . .	10 0	10 0	150	150	
	"	Charles Smith . .	6 6	6 6	50	50	
	"	James Brownlow .	4 0	4 0	25	25	
	"	Shubael Pierce . .	10 0	10 0	55	255	
	Shipton . . .	Ditto . . . . .	10 0	10 0	200		
	"	Robert Barker . .	5 0	5 0	200	200	
	"	Widow Trenholme .	5 3	5 3	99	99	
	"	Marsh Martin . .	6 3	6 3	111	111	
	"	Samuel Daniels . .	5 0	5 0	200	200	
	"	Jonathan Perkins .	5 0	5 0	200	200	
	"	Harry Nutting . .	5 0	5 0	200	200	
	"	Gilbert Healy. . .	5 0	5 0	100	100	
	"	C. B. Cleaveland. .	6 3	6 3	154.3	154.3	
	"	Jabez Merrill. . .	8 9	8 9	96	96	
	"		5 0	5 0			

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1833.	Shipton . . .	Andrew Lovejoy . . .	s. d. £19 15 0	s. d. for the 4 acres.	4	4	
	"	Simeon Flint . . .	5 0	5 0	100	100	
	"	Jesse Baker . . .	5 0	5 0	100	100	
	"	M. E. Dennison . . .	5 0	5 0	100	100	
	Stanbridge . .	Robert Jones . . .	10 6	10 6	100	100	
	"	J. Bickford, et al. . .	12 6	12 6	186.1.20	186.1.20	
	"	A. Connell, et al. . .	30 0	30 0	13.2.26	13.2.26	
	"	Joel Rollin . . .	7 6	7 6	75		
	"	Ditto . . .	11 6	11 6	50	175	
	"	Ditto . . .	10 0	10 0	50		
	"	John Chandler . . .	7 6	7 6	75	75	
	"	Hiram Rogers . . .	7 6	7 6	50		
	"	Ditto . . .	13 9	13 9	10	60	
	"	Ebenezer Hart . . .	13 9	13 9	15	15	
	"	John Chandler, jun. . .	13 9	13 9	32.2	32.2	
	"	Erastus Stanton . . .	13 9	13 9	42.2	42.2	
	"	Elias Jenkins . . .	11 6	11 6	50	50	
	"	John Baker (2) . . .	11 6	11 6	66.2.26 $\frac{3}{4}$	66.2.26 $\frac{3}{4}$	
	"	Ben. Baker . . .	11 6	11 6	33.1.13 $\frac{3}{4}$	33.1.13 $\frac{3}{4}$	
	"	Clark Corey . . .	12 6	12 6	100	100	
	"	Ebenezer Phelps . . .	10 0	10 0	200	200	
	"	John Sawyer . . .	8 0	8 0	100	100	
	"	Zebulon Cornel . . .	7 6	7 6	100		
	"	Ditto . . .	8 0	8 0	100	200	
	"	P. R. Martin, et al. . .	10 6	10 6	100	100	
	"	Solomon Walbridge . .	£109 4 3	for the lot.	110.2.39	110.2.39	
	"	C. J. Phelps . . .	£50 0 9	for the lot.	16.0.10	16.0.10	
	"	James Botham . . .	9 6	9 6	73.0.31	73.0.31	
	"	Caleb Corey, sen. . .	5 0	5 0	50	50	
	"	Ephraim Knight . . .	13 9	13 9	75	75	
	"	Wm. Arkenbrack . . .	7 6	7 6	75	75	
	"	Peter Bedard . . .	10 6	10 6	100	100	
	"	Christian Wehr . . .	£87 10 0	for the lot.	50	50	
	"	Joel Spear . . .	10 6	10 6	75	75	
	"	Abner Smith . . .	10 6	10 6	100	100	
	"	Tilley Blackley . . .	11 6	11 6	105	105	
	"	Zaccheus Blackley . .	12 6	12 6	105	105	
	"	A. R. Harriss . . .	11 6	11 6	37.0.33	37.0.33	
	"	Hiram Corey . . .	11 6	11 6	27.3.29 $\frac{1}{2}$	77.3.29 $\frac{1}{2}$	
	"	Ditto . . .	10 6	10 6	50		
	"	C. G. Martindale . . .	11 6	11 6	27.3.29 $\frac{1}{2}$	27.3.29 $\frac{1}{2}$	
	"	Simeon Wells, sen. . .	11 6	11 6	58.1.35	58.1.35	
	"	James Blinn . . .	11 6	11 6	15	15	
	"	Simeon Whitman . . .	7 6	7 6	100	100	
	"	Richard Gage . . .	10 6	10 6	100	100	
	"	Thomas Best . . .	8 0	8 0	165	165	
	"	Christopher Rowse . .	8 0	8 0	35	35	
	"	Barnabas Hitchcock . .	12 6	12 6	100	100	
	Stanstead . . .	H. O. White . . .	10 6	10 6	60	60	
	"	Selah Pomroy . . .	10 6	10 6	140		
	"	Ditto . . .	7 6	7 6	78.2.13	218.2.13	
	"	Jonathan Field . . .	7 6	7 6	121.1.7	121.1.7	
	"	James Peasley . . .	10 0	10 0	100	100	
	"	Hon. James Baxter . .	10 0	10 0	135		
	"	Ditto . . .	5 6	5 6	50	165	
	"	John Gilman . . .	9 0	9 0	135	135	
	"	Samuel Knight . . .	10 0	10 0	100		
	"	Ditto . . .	10 0	10 0	100	200	
	"	Joshua Copp . . .	5 0	5 0	59	59	
	"	William Bullock . . .	5 6	5 6	115.1.13 $\frac{1}{2}$	115.1.13 $\frac{1}{2}$	
	"	Asa L. Harvey . . .	8 9	8 9	180	180	
	"	Elias Lee . . .	£13 14 0	for the 4 acres.	4	4	
	"	Wilder Pierce . . .	6 0	6 0	300	300	
	"	Jacob Bachelder . . .	10 0	10 0	9.2.21	9.2.21	
	"	Erastus Lee . . .	10 0	10 0	55.1.19	55.1.19	
	"	Amos Fox . . .	7 6	7 6	50	50	



No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individ- ual in each Year	Total Number of Acres sold in each Year.
1833	Ascot . . .	Charles Whitcher . .	s. d. 12 6	s. d. 12 6	200	354.3.20	
	Orford . . .	Ditto . . .	10 0	10 0	154.3.20		
	Ascot . . .	Joseph Smith . . .	7 6	7 6	200	200	
	"	Samuel Brooks . . .	9 0	9 0	150	150	
	"	Thomas Burns . . .	7 6	7 6	200	200	
	"	Lyman Alger. . . .	7 0	7 0	66.2.26 <sup>2</sup> / <sub>3</sub>	66.2.26 <sup>2</sup> / <sub>3</sub>	
	"	Timothy Burns . . .	7 0	7 0	66.2.26 <sup>2</sup> / <sub>3</sub>	66.2.26 <sup>2</sup> / <sub>3</sub>	
	Maddington. .	Joseph Provencher . .	4 0	4 0	200	200	
	Orford . . .	Wm. R. Willard . . .	10 0	10 0	22.0.20	22.0.20	
	Wickham . . .	John Ralph . . .	3 9	3 9	200	200	
	Brome . . .	John Loukes. . . .	5 0	5 0	50	50	
	"	E. P. Gilman . . .	10 6	10 6	100	100	
	"	Lucretius Lawrence . .	5 6	5 6	50	50	
	"	Simon Todd . . .	5 6	5 6	100	100	
	"	Edward Ladd . . .	7 6	7 6	100	100	
	"	John Ladd . . .	7 6	7 6	50	50	
	"	George Payne . . .	7 6	7 6	50	50	
	"	Benj. H. Foss . . .	7 0	7 0	200	200	
	"	John Jackson . . .	9 0	9 0	200	200	
	"	O. and F. Wilson . . .	5 0	5 0	200	200	
	"	Orin Blin . . .	5 0	5 0	100	100	
	"	Richard Dickinson . .	5 9	5 9	200	200	
	"	P. H. Knowlton . . .	5 0	5 0	100	300	
	"	Ditto . . .	10 0	10 0	200		
	"	Elisha Townsend . . .	5 0	5 0	100	100	
	"	Luke M. Knowlton . .	8 0	8 0	100	100	
	"	Jacob Cook . . .	7 0	7 0	200	300	
	Sutton . . .	Ditto . . .	6 6	6 6	100		
	Brome . . .	Elisha Rockwell . . .	5 0	5 0	100	100	
	"	Isaac Stone . . .	5 0	5 0	100	100	
	"	J. W. Tibbits . . .	8 0	8 0	100	100	
	"	Benj. Tibbits . . .	8 0	8 0	50	50	
	Dunham . . .	Porter Sawyer . . .	11 6	11 6	100	100	
	"	S. Cummings . . .	12 9	12 9	56.3.20	56.3.20	
	"	Moses Bachelor . . .	7 0	7 0	200	275	
	"	Ditto . . .	12 9	12 9	75		
	"	Jonathan Selby . . .	12 6	12 6	160	160	
	"	John Stickney, jun. . .	7 6	7 6	110	110	
	"	A. M. Ross . . .	7 6	7 6	40	40	
	"	George Ross, jun. . .	7 6	7 6	50	50	
	"	William Pell . . .	12 6	12 6	60	60	
	"	Isaac Truax . . .	13 9	13 9	100	100	
	"	Willard Barns . . .	13 9	13 9	50	50	
	"	Benj. Sargent . . .	10 6	10 6	50	50	
	"	Josiah W. Hale . . .	10 6	10 6	25	25	
	"	George Richard . . .	13 6	13 6	100	100	
	"	Gilbert Warden . . .	12 6	12 6	100	100	
	"	Leonard Brown . . .	11 6	11 6	50	145	
	"	Ditto . . .	20 0	20 0	45		
	"	Ditto . . .	11 6	11 6	50	70	
	"	Thomas Wood . . .	11 6	11 6	70		
	"	Cyrus Prime . . .	11 6	11 6	30	30	
	"	Amy Pettes . . .	20 0	20 0	50	50	
	"	John Bell, jun. . .	10 6	10 6	25	25	
	"	Luther Harvey . . .	11 6	11 6	50	50	
	"	Moses L. Dudley . . .	10 6	10 6	50	50	
	"	Silas Cleaveland . . .	15 0	15 0	120	120	
	"	Rev. C. C. Cotton . . .	15 0	15 0	80	105	
	"	Ditto . . .	12 9	12 9	25		
	"	Robert Hazard, sen.. .	7 6	7 6	50	50	
	"	Henry Elvidge . . .	7 6	7 6	50	50	
	"	William Baker . . .	7 6	7 6	100	100	
	"	Samuel Maynard . . .	20 0	20 0	99.2	99.2	
	"	Henry Traver . . .	10 6	10 6	50	50	
	Farnham . . .	William B. Jones . . .	5 6	5 6	100	100	
	"	Aron Bull . . .	5 6	5 6	50	50	
	"	Freeman Higgans . . .	10 0	10 0	100	100	
	"	Townsend Wells . . .	7 6	7 6	100	100	
	"	Thomas Allen . . .	8 0	8 0	100	100	
	"	James Allsop . . .	7 6	7 6	800	800	
	"	Samuel Gale . . .	7 6	7 6	100	100	
	"	Whipple Wells . . .	7 6	7 6	50	50	
	"	Alfred Nash . . .	7 6	7 6	50	50	

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Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individ- ual in each Year.	Total Number of Acres sold in each Year.
1833	Granby . . .	James Semple . . .	s. d.	s. d.			
		William Duncan . . .	5 0	5 0	100	100	
		David Webster . . .	5 0	5 0	100	100	
		James Murray . . .	5 0	5 0	100	100	
		S. B. Door . . .	7 6	7 6	100	100	
		Hiram Horner . . .	10 6	10 6	50	50	
		Roswell Verbeck . . .	10 6	10 6	50	50	
		James Neil . . .	5 0	5 0	100	100	
		John Ingram . . .	4 6	4 6	66.0.8	66.0.8	
		William Hooper . . .	6 0	6 0	100	100	
		John W. Clow . . .	6 0	6 0	50	50	
		Elias Clow . . .	6 0	6 0	50	50	
		Harry Parker . . .	5 0	5 0	100	100	
		S. Leslie and J. Scott	5 0	5 0	100	100	
	Shefford . . .	Henry Trinder . . .	15 0	15 0	190	190	
		Benj. F. Harris . . .	6 3	6 3	100	100	
		John R. Todd . . .	5 6	5 6	96.3.25½	96.3.25½	
		Robert Todd . . .	5 6	5 6	96.3.25½	96.3.25½	
		William Aston . . .	6 0	6 0	81.3.39	81.3.39	
		A. H. Savage . . .	{ £47 10 0 } for the lot.		100	100	
		Samuel Geer . . .	7 0	7 0	91.1.30	91.1.30	
		Calvin Richardson . . .	7 6	7 6	50	50	
		Edmund Longly . . .	7 0	7 0	165.2.29	165.2.29	
		Zephaniah Harvey . . .	9 0	9 0	203.1.23	203.1.23	
		Hezekiah Robinson . . .	6 3	6 3	92.1.8½	92.1.8½	
		Elijah Jagwith, et al.	{ £21 0 4 } for the lot.		258.1	258.1	
		D. and M. Wood, et al.	6 0	6 0	66.0.28	66.0.28	
		Hezekiah Lawrence . . .	7 0	7 0	94	94	
		Mark Whitcomb . . .	6 3	6 3	100	100	
		J. Berry and J. Clark	6 6	6 6	106	100	
	Stukely . . .	Jonathan Allard . . .	6 6	6 6	46.0.22¾	46.0.22¾	
		Charles Allen . . .	6 6	6 6	46.0.22¾	174.3.12¾	
		Ditto . . .	5 6	5 6	128.2.30		
		Edmund Winchester . . .	6 6	6 6	118.1.7½	118.1.7½	
		Joseph Briant . . .	7 0	7 0	68.3.34½	68.3.34½	
		Benj. Martin . . .	5 6	5 6	50	50	
		David C. Emery . . .	7 6	7 6	137.1.0	137.1.0	
		D. and J. Filchet . . .	5 6	5 6	100	100	
		Lendal F. Leach . . .	5 6	5 6	100	100	
		John Savage . . .	5 6	5 6	50	50	
		Joseph Lincoln, jun..	5 0	5 0	100	100	
		Eliza Jackman . . .	5 6	5 6	188.3.34½	426.3.34½	
		Ditto . . .	5 0	5 0	238		
		Isaac Lawrence . . .	6 3	6 3	200	200	
	Sutton . . .	Lyman Knowlton . . .	7 6	7 6	200	200	
		Roswell Sargent . . .	6 3	6 3	100	200	
		Ditto . . .	5 6	5 6	100		
		Clark Harriss . . .	5 6	5 6	57.0.22	57.0.22	
	Templeton . . .	Naham Williams . . .	6 3	6 3	100	100	
		Francis Rogers . . .	6 3	6 3	100	100	
		Silas Godard . . .	7 6	7 6	200	200	
		George Frary . . .	8 6	8 6	100	242	
	Chatham . . .	Daniel Williams . . .	7 6	7 6	242	100	
		James Henry . . .	2 6	2 6	100	100	
		William Jack . . .	2 6	2 6	100	100	
		John Boswell . . .	2 6	2 6	200	200	
	Broughton . . .	William Young . . .	2 6	2 6	100	100	
		Duncan M'Phail . . .	2 6	2 6	100	100	
		John M'Farlane . . .	2 6	2 6	100	100	
		Alex. M'Gibbon . . .	2 6	2 6	100	100	
	Ireland . . .	David Marshall . . .	2 6	2 6	100	100	
		David Boner . . .	2 6	2 6	100	100	
		William J. Linthall . . .	2 6	2 6	200	200	
		James M'Kenzie . . .	2 6	2 6	100	200	
	John Rinchart . . .	John Stewart . . .	2 6	2 6	200	200	
		John Rinchart . . .	4 0	4 0	200	200	
		Thomas C. Aylwin . . .	4 0	4 0	200	200	
		Edward Gillespie . . .	4 0	4 0	100	100	
	John Dunning . . .	Joseph Fox . . .	5 0	5 0	200	200	
		Henry Cross . . .	4 6	4 6	103.0.5	103.0.5	
		John Dunning . . .	4 6	4 6	100	100	



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1833	Inverness . . .	Alex. M'Killop . . .	s. d.	s. d.	100	100	37,412.3.3½
	Leeds . . .	George Kinghorn . . .	4 0	4 0	100	100	
	" . . .	George Pemberton . . .	4 0	4 0	223	223	
	" . . .	Montague Scott . . .	4 0	4 0	200	200	
	" . . .	John Hutchison . . .	5 0	5 0	100	100	
	Grenville . . .	George Bates . . .	1 3	1 3	100	100	
	" . . .	Michael M'Teague . . .	1 3	1 3	100	100	
	" . . .	Robert Murphy . . .	1 3	1 3	100	100	
	" . . .	George Valley . . .	1 3	1 3	100	100	
	" . . .	John M'Gillivray . . .	1 3	1 3	200	200	
	" . . .	Mary M'Gillivray . . .	2 1½	2 1½	100	200	
	" . . .	Ditto . . .	2 0	2 0	100	200	
	" . . .	Mrs. M'Ginnis . . .	1 6	1 6	100	100	
	" Augment . . .	John Bates . . .	1 6	1 6	100	100	
	Halifax . . .	Alexander J. Russell . . .	4 6	4 6	200	200	
	Blandford . . .	Louis Massene . . .	4 0	4 0	1291	1401	
	Bulstrode . . .	Ditto . . .	5 0	5 0	110	1401	
	Acton . . .	Joshua Pelton . . .	2 6	2 6	1000	1000	
	Aston . . .	Thomas Douglas . . .	4 0	4 0	400	400	
	" . . .	James Seaton . . .	4 0	4 0	266	266	
	Bolton . . .	David Blunt, jun. . .	4 6	4 6	200	300	
	" . . .	Ditto . . .	4 0	4 0	100	300	
	" . . .	Peter Williams . . .	4 6	4 6	100	100	
	" . . .	John Willey . . .	4 0	4 0	100	100	
	" . . .	Uriah J. Dailey . . .	6 0	6 0	60.1.0	60.1.0	
	Brompton . . .	George F. Goodhue . . .	5 0	5 0	170	170	
	" . . .	Adin Varney . . .	5 0	5 0	58.1.0	58.1.0	
	" . . .	John H. Varney . . .	5 0	5 0	58.1.0	58.1.0	
	Potton . . .	Horace Green . . .	6 0	6 0	200	200	
	" . . .	Lemuel Orcott . . .	7 0	7 0	50	200	
	" . . .	Ditto . . .	5 6	5 6	16.2.26½	66.2.26½	
	Windsor . . .	John Lee . . .	5 6	5 6	197	197	
	Lochaber . . .	James Campbell . . .	5 0	5 0	250	250	
	" . . .	Donald Campbell . . .	5 0	5 0	234	234	
	" . . .	James Thompson . . .	5 0	5 0	100	100	
	" . . .	Donald M'Leau . . .	5 0	5 0	100	100	
	Rawdon . . .	Robert Craine . . .	5 0	5 0	100	100	
	Hull . . .	Dennis Kennedy . . .	5 0	5 0	100	100	
1834	Lochaber . . .	James Cummings . . .	5 0	5 0	100	100	
	" . . .	John Dole . . .	5 0	5 0	100	100	
	Grenville . . .	Charles Johnson . . .	1 3	1 3	200	200	
	" . . .	Neil M'Phell . . .	1 4	1 4	200	200	
	" . . .	Andrew M'Wire . . .	1 3	1 3	100	200	
	" . . .	Robert Campbell . . .	1 3	1 3	100	100	
	" . . .	James Powers . . .	1 3	1 3	100	100	
	" . . .	James Kanes . . .	1 3	1 3	100	100	
	Chatham . . .	Thomas A. Stayner . . .	2 6	2 6	200	200	
	" . . .	James Hamilton . . .	2 6	2 6	200	200	
	" . . .	John Gibson . . .	2 6	2 6	100	100	
	" . . .	James Calder . . .	2 6	2 6	200	200	
	" . . .	Guy Richards . . .	2 6	2 6	200	400	
	" . . .	Ditto . . .	2 6	2 6	200	400	
	" . . .	John Miller . . .	2 6	2 6	100	100	
	" . . .	James Dowland . . .	2 6	2 6	100	100	
	Buckingham . . .	Robert Thompson . . .	5 0	5 0	200	200	
	Bolton . . .	Nicholas Austin . . .	6 0	6 0	60	60	
	" . . .	B. A. L. Company . . .	4 0	4 0	1700	60	
	Hatley . . .	Ditto . . .	5 0	5 0	1131	60	
	Shefford . . .	Ditto . . .	5 0	5 0	1400	60	
	Stanstead . . .	Ditto . . .	7 6	7 6	130	60	
	Westbury . . .	Ditto . . .	4 0	4 0	925	60	
	Ascot . . .	Ditto . . .	5 0	5 0	2000	60	
	Brompton . . .	Ditto . . .	4 0	4 0	1706	60	
	Potton . . .	Ditto . . .	4 0	4 0	800	60	
	Wickham . . .	Ditto . . .	2 6	2 6	3208	60	
	Acton . . .	Ditto . . .	5 0	5 0	4447	60	
	Brome . . .	Ditto . . .	4 0	4 0	2400	60	
	Milton . . .	Ditto . . .	5 0	5 0	2074	60	
	Granby . . .	Ditto . . .	5 0	5 0	2200	60	
	Stukely . . .	Ditto . . .	5 0	5 0	200	60	
	Ely . . .	Ditto . . .	5 0	5 0	3400	60	
	" . . .	Ditto . . .	10 0	10 0	200	60	

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1834	Roxton . . .	B. A. L. Company . .	s. d.	s. d.	5566 $\frac{2}{3}$		
	Barnston . . .	Ditto . . . . .	5 0	5 0	1547		
	Newport . . .	Ditto . . . . .	4 0	4 0	3800		
	Weedon . . .	Ditto . . . . .	5 2	5 2	3600		
	" . . .	Ditto . . . . .	4 7	4 7	1000		
	" . . .	Ditto . . . . .	4 0	4 0	4000		
	Dudswell . . .	Ditto . . . . .	4 3	4 3	200		
	" . . .	Ditto . . . . .	4 0	4 0	5865.3		
	Orford . . .	Ditto . . . . .	4 0	4 0	400		
	Stoke . . .	Ditto . . . . .	5 0	5 0	141		
	Bury . . .	Ditto . . . . .	4 0	4 0	2000		
	Lingwick . . .	Ditto . . . . .	4 0	4 0	2400		
	Melbourne . . .	Ditto . . . . .	10 0	10 0	60		
						58,501.1.26 $\frac{2}{3}$	
	Bolton . . .	A. H. Brown . . .	4 0	4 0	200	200	
	" . . .	Benjamin Currier . .	4 0	4 0	100	100	
	" . . .	John Buzzell . . .	4 0	4 0	100	100	
	" . . .	David Whitehead . .	7 6	7 6	100	100	
	" . . .	John N. Woodman . .	5 6	5 6	25	25	
	" . . .	F. P. Bryant . . .	6 0	6 0	50	50	
	" . . .	James Taylor, jun. . .	6 0	6 0	50	50	
	" . . .	Goram Page . . .	6 0	6 0	50	50	
	" . . .	Abraham Gould . . .	6 0	6 0	50	50	
	Hatley . . .	G. and J. Oliver, et al.	5 0	5 0	40.2.31	40.2.31	
	" . . .	Betsey Turner . . .	5 0	5 0	70	70	
	" . . .	James Brown . . .	5 0	5 0	34		
	" . . .	Ditto . . . . .	6 0	6 0	68.2.0	102.2	
	" . . .	Richard Gunning . .	9 6	9 6	100	100	
	Shefford . . .	Eliza Jackman . . .	5 6	5 6	53.3.34 $\frac{1}{2}$	58.3.34 $\frac{1}{2}$	
	" . . .	Isaac Wallace . . .	5 0	5 0	89.1.0	89.1.0	
	" . . .	Daniel Mecham . . .	6 3	6 3	93.1.5 $\frac{1}{2}$	93.1.5 $\frac{1}{2}$	
	" . . .	Patrick M'Laughlin . .	7 0	7 0	46.1.6	46.1.6	
	" . . .	Joseph Lincoln, sen. .	7 0	7 0	67.3.3	67.3.3	
	Stanbridge . . .	Manly Blin . . .	11 3	11 3	33.1.32 $\frac{1}{2}$	33.1.32 $\frac{1}{2}$	
	Stantsead . . .	Chauncey Bullock . .	7 0	7 0	35		
	" . . .	Ditto . . . . .	7 6	7 6	100	135	
	" . . .	Hiel Curtis . . .	10 6	10 6	100	100	
	" . . .	Ballard Clarke . . .	10 6	10 6	100	100	
	" . . .	Elias Lee . . .	9 0	9 0	50	50	
	" . . .	Joshua Day . . .	9 0	9 0	50	50	
	" . . .	Elias Lee, et al. . .	9 0	9 0	100	100	
	" . . .	William Ritchie . . .	7 6	7 6	100		
	" . . .	Ditto . . . . .	7 0	7 0	35	210	
	" . . .	Ditto . . . . .	6 0	6 0	75		
	" . . .	Joshua Copp . . .	5 0	5 0	50	50	
	" . . .	Henry S. Camber . .	7 6	7 6	50	50	
	" . . .	Dudley Magoon . . .	7 6	7 6	65.0.36	65.0.36	
	" . . .	Colin Munro . . .	7 6	7 6	52	52	
	" . . .	Horace Stewart . . .	7 0	7 0	50		
	" . . .	Ditto . . . . .	6 6	6 6	124	174	
	" . . .	Josiah Gustin . . .	6 0	6 0	121	121	
	" . . .	Hosea White . . .	6 0	6 0	100	100	
	" . . .	John Gilman . . .	7 6	7 6	75	75	
	" . . .	Thomas and H. Ruiter .	7 4	7 4	179	179	
	" . . .	Benjamin M. Rogers .	7 4	7 4	21	21	
	" . . .	Hezekiah May . . .	10 0	10 0	200	200	
	" . . .	Archibald Morrill . .	6 6	6 6	50	50	
	" . . .	John Bachelder . . .	5 6	5 6	100	100	
	" . . .	Jacob Taylor, jun. . .	5 6	5 6	50	50	
	" . . .	Ives Wallingford . .	5 6	5 6	50	50	
	" . . .	Elizabeth Prouty . .	10 0	10 0	35	35	
	" . . .	John Clark . . .	10 0	10 0	15	15	
	" . . .	Joseph Brown . . .	10 0	10 0	50	50	
	" . . .	Moody Fox . . .	10 0	10 0	15	15	
	" . . .	Harris Moulton . . .	10 0	10 0	15	15	
	Sutton . . .	William Smith . . .	5 0	5 0	66.2.26 $\frac{2}{3}$	66.2.26 $\frac{2}{3}$	
	Bristol . . .	Andrew Cowan . . .	5 0	5 0	50	50	
	" . . .	Patrick Kehoe . . .	5 0	5 0	77 $\frac{1}{2}$	77 $\frac{1}{2}$	
	" . . .	Mary Gibbard . . .	5 0	5 0	64	64	
	Eardley . . .	Jonathan Englee . .	5 1	5 1	100	100	
	" . . .	Wyman C. Davis . .	5 0	5 0	100	100	
	Durham . . .	James Dickson . . .	4 0	4 0	100	100	
	" . . .	Michel La Bonté . .	5 0	5 0	100	100	



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Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each indivi- dual in each Year.	Total Number of Acres sold in each Year.
1834	Durham	Charles Charpentier .	s. d.	s. d.	100	100	
	"	Fidel Doullenbac .	5 0	5 0	100	100	
	Westbury . .	Richard Smith . .	5 0	5 0	100	100	
	Broughton . .	David Gilanders . .	4 0	4 0	100	100	
	"	Francis Austin . .	4 0	4 0	300	300	
	Ascot . . .	James Jacks . . .	4 0	4 0	200	200	
	"	William Wilson . .	6 6	6 6	66.2.26 $\frac{2}{3}$	66.2.26 $\frac{2}{3}$	
	"	Gardner Stevens . .	7 0	7 0	200	200	
	"	Thomas Glendaye . .	5 0	5 0	100	100	
	Brompton . .	Edward Hale . . .	7 6	7 6	116.2	316.2	
	"	Ditto . . . . .	5 0	5 0	200	100	
	"	Robert Moore . . .	6 3	6 3	100	100	
	Compton . .	Hollis Smith . . .	4 0	4 0	12	50	
	"	Ditto . . . . .	10 6	10 6	38	100	
	"	Andrew M'Cleary . .	9 7	9 7	100	100	
	"	John Jones . . . .	7 6	7 6	100	100	
	"	Daniel Wells . . .	10 0	10 0	50	50	
	"	Ebenezer Peck . . .	8 0	8 0	200	400	
	"	Ditto . . . . .	10 0	10 0	200	268	
	"	Ben. Pomroy . . .	11 0	11 0	82	60	
	"	Ditto . . . . .	10 6	10 6	26	100	
	"	Ditto . . . . .	9 6	9 6	100	100	
	"	Ditto . . . . .	7 0	7 0	100	100	
	"	Ditto . . . . .	7 6	7 6	100	100	
	Potton . . .	Wright Chamberlin .	10 0	10 0	75	75	
	"	Henry R. Wood . .	5 6	5 6	35.2	35.2	
	"	Raymon Hale . . .	6 0	6 0	200	200	
	"	Levi Knowlton . .	4 0	4 0	50	50	
	"	Ashley Walker . . .	6 0	6 0	64.2	64.2	
	"	Robert Mansom . .	6 0	6 0	239	239	
	Buckland . .	Joseph Allaire . .	10 0	10 0	100	100	
	Inverness . .	John Meyer . . . .	5 0	5 0	339	608	
	Wickham . .	Lt.-Col. D. M'Dougall	2 6	2 6	269	100	
	Simpson . .	Ditto . . . . .	3 0	3 0	100	100	
	Wickham . .	Ena Brainard . . .	2 6	2 6	100	100	
	Ireland . . .	Ira Hall . . . . .	5 0	5 0	100	100	
	"	John Hough . . . .	5 0	5 0	200	200	
	Halifax . . .	George Cummings .	4 6	4 6	104	238	
	Standon . . .	William Henderson .	3 0	3 0	134	2000	
	"	Ditto . . . . .	2 6	2 6	200	200	
	Clinton . . .	Charles R. Ogden . .	3 0	3 0	200	200	
	Wentworth . .	William Kirby . . .	2 6	2 6	200	200	
	Kingsey . . .	John Wadley . . . .	5 0	5 0	100	100	
	"	Moses Painchand . .	5 0	5 0	100	100	
	"	Ben. Wilcox . . . .	5 0	5 0	50	50	
	"	Joseph Chenaye . .	5 6	5 6	200	200	
	Upton . . . .	Michel Houle . . . .	5 0	5 0	524	524	
	"	Charles W. Grant . .	5 0	5 0	100	100	
	Brome . . . .	Hiram Morehouse . .	4 0	4 0	100	100	
	"	Paul H. Knowlton . .	4 0	4 0	100	100	
	Milton . . . .	Vital Lefebre . . . .	5 0	5 0	200	200	
	Granby . . . .	Robert and T. Wood .	5 3	5 3	100	100	
	"	John Bradford . . .	5 0	5 0	174.1	174.1	
	Stukely . . .	Thomas Osgood . . .	5 6	5 6	150	150	
	Barnston . .	Robert Vincent . . .	7 6	7 6	140	140	
	"	Alex. Buckland . . .	7 6	7 6	60	60	
	"	Erastus Buckland . .	7 6	7 6	200	200	
	"	Jonas and Squire Howe	5 6	5 6	78	78	
	"	Sylvester Wheeler . .	6 6	6 6	100	100	
	"	William Buckland . .	6 6	6 6	200	200	
	"	Francis Judd . . . .	5 0	5 0	100	100	
	"	F. Judd and J. Copp .	7 0	7 0	150	150	
	Hereford . .	Luther Hibbard, Jun.	5 0	5 0	100	100	
	Dudswell . .	Amos Bishop . . . .	4 0	4 0	100	100	
	"	John Fraser . . . .	4 0	4 0	100	100	
	"	Stephen Frechette . .	4 0	4 0	100	100	
	Dunham . . .	H. N. Kimball . . .	10 6	10 6	50	50	
	"	Stephen C. Torf . . .	12 9	12 9	10	10	
	"	Oliver Newell . . .	12 9	12 9	15	15	
	Eaton . . . .	Luke Chaddock . . .	6 6	6 6	50	50	
	Melbourne . .	James M'Dowall . . .	5 0	5 0	200	200	
	"	Thomas Johnson . . .	5 0	5 0	50	50	
	"	George S. Aldrich . .	5 0	5 0	50	50	
	"	Laurence Mooney . .	5 0	5 0	50	50	

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.	
1834	Melbourne . .	Robert Shaw . . .	s. d.	s. d.	50	50	77,333.1.28½	
	" . . .	Edward Lamb . . .	5 0	5 0	62	62		
	" . . .	Frederick G. Heriot . . .	5 0	5 0	100	100		
	Shipton . . .	Martin Matthews . . .	5 0	5 0	100	100		
	Onslow . . .	Levi Moore . . .	5 0	5 0½	100	100		
	" . . .	Henry Merrifield . . .	5 0	5 0½	100	100		
	Templeton . .	Joseph Alphas . . .	5 0	5 0½	200	200		
	" . . .	Joseph Lacroix . . .	5 0	5 0½	100	100		
	Hull . . .	William Linsey . . .	5 0	5 0½	100	100		
	" . . .	Duncan M'Allister . . .	5 0	5 0½	100	100		
	Barneton . .	James C. Peasley . .	6 0	6 0	109.2	109.2		
	" . . .	Hon. James Baxter . .	8 0	8 0	100	100		
	" . . .	Hon. James Stewart . .	5 0	5 0	200	1,454		
	Compton . .	Ditto . . .	7 6	7 6	1,154			
	Hatley . . .	Ditto . . .	5 0	5 0	100	41,760.2		
	Barnston . .	B. A. L. Company . .	5 0	5 0	1,709.2			
	Eaton . . .	Ditto . . .	5 0	5 0	4,350			
	Shefford . .	Ditto . . .	5 0	5 0	600			
	Stukeley . .	Ditto . . .	5 0	5 0	2,671			
	Potton . . .	Ditto . . .	4 0	4 0	3,600			
	Hatley . . .	Ditto . . .	5 0	5 0	2,542			
	Barford . .	Ditto . . .	5 0	5 0	4,800			
	Clifton . .	Ditto . . .	5 0	5 0	8,288			
	Auckland . .	Ditto . . .	4 0	4 0	3,800			
	Ely . . .	Ditto . . .	5 0	5 0	1,600			
	Milton . . .	Ditto . . .	5 0	5 0	600			
	Roxton . . .	Ditto . . .	5 0	5 0	3,400			
	Stoke . . .	Ditto . . .	5 0	5 0	3,800			
	Bolton . . .	George Giddings . .	7 6	7 6	100	100		
	" . . .	John Powell . . .	5 6	5 6	50	50		
	" . . .	John Taylor . . .	5 6	5 6	50	50		
	" . . .	Abraham Gould . .	4 0	4 0	50	50		
	" . . .	Duncan M'Dougall . .	4 0	4 0	88	5,673		
	Hanstead . .	Ditto . . .	7 6	7 6	157			
	Westbury . .	Ditto . . .	5 6	5 6	1,048			
	Potton . . .	Ditto . . .	4 0	4 0	250			
	Upton . . .	Ditto . . .	5 0	5 0	4,005			
	Hartley . .	Ditto . . .	5 0	5 0	125			
	Dunham . .	Robert Small . .	12 6	12 6	150			150
	" . . .	Alex. Riddler . .	12 6	12 6	25			25
	Eaton . . .	Josiah Sawyer, jun. .	6 0	6 0	100			100
	" . . .	Samuel E. Abbott . .	7 6	7 6	100			100
	" . . .	Philip Jordan . .	5 0	5 0	100	100		
	" . . .	Charles R. Ogden . .	5 0	5 0	400	10,000.		
	Granby . . .	Ditto . . .	5 0	5 0	400			
	Stukeley . .	Ditto . . .	5 0	5 0	1,600			
	Newport . .	Ditto . . .	4 0	4 0	4,400			
	Thetford . .	Ditto . . .	3 0	3 0	3,200			
	Granby . .	James Barr . .	5 0	5 0	50			50
	" . . .	Hezekiah Robinson . .	5 0	5 0	100			-100
Grantham . .	John Lockey . .	2 9	2 9	100	100			
Kinsey . . .	Thomas Johnson . .	5 0	5 0	50	50			
" . . .	Samuel Elliott . .	5 0	5 0	50	50			
" . . .	Alphas Wentworth . .	5 0	5 0	75	75			
" . . .	John Wadleigh . .	5 0	5 0	100	100			
" . . .	John Lyng . .	5 0	5 0	50	50			
" . . .	Thomas Ryan . .	5 0	5 0	1,800	1,800			
Shipton . .	John Smith . .	5 0	5 0	100	100			
" . . .	Herman Bangs . .	5 0	5 0	100	100			
" . . .	Thomas Steel . .	5 3	5 3	127.2	327.2			
" . . .	Ditto . . .	5 0	5 0	200				
1835	Shipton . .	William Lyman . .	5 0	5 0	75	75		
	" . . .	Joshua Ridley . .	5 0	5 0	50	50		
	" . . .	Edward Trenholm . .	5 0	5 0	50	50		
	" . . .	Sidney Shaw . .	5 0	5 0	50	50		
	Simpson . .	Nathan Barlow . .	4 0	4 0	177	177		
	" . . .	Tyler H. Moore . .	3 0	3 0	7,800	17,384.2		
	Wickham . .	Ditto . . .	2 6	2 6	3,184.2			
	Wendover . .	Ditto . . .	2 6	2 6	6,400			
	Hanstead . .	James Williamson . .	7 0	7 0	50	50		
	" . . .	Horace Stewart . .	5 8	5 8	150	150		
	" . . .	Ebenezer Hutchins . .	6 0	6 0	100	100		



No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No: 2.

Years.	Township.	Purchasers.	Upset Price.		Price they sold at.		Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
			s.	d.	s.	d.			
1835	Stanstead . .	Francis House, jun..	6	6	6	6	50	50	
	Wickham . .	Curtis Barlow . .	7	6	7	6	40		
	"	Ditto . . . .	5	0	5	0	7	47	
	"	Patrick Smith . .	2	6	2	6	100	100	
	"	Matthew M'Adams .	2	6	2	6	100	100	
	"	T. Healey & J. Magher	2	6	2	6	8.42	84.2	
	Hull . . . .	James M'Connell .	7	6	7	6	101	101	
	"	Charles D. Day . .	7	6	7	6	89	89	
	"	Robert Dayley . .	5	0	5	0½	100	100	
	"	Owen Dailey . . .	5	0	5	0½	100	100	
	Onslow . . .	Richard Davis . .	5	0	5	0½	100	100	
	"	Philemon Wright .	7	6½	7	6½	240		
	"	Ditto . . . . .	7	6½	7	6½	200	440	
	Litchfield . .	Baptiste Bernard .	6	3	6	3	163	163	
	Grenville Aug .	Barney Nolty . .	1	3	1	3	100	100	
	"	Olivier Moore . .	1	3	1	3	100	100	
	"	Adam Simmetton .	1	3	1	3	100	100	
	Clarendon . .	James H. Kerr . .	5	0	5	0	200	200	
	Compton . . .	Alfred C. Parker .	8	0	8	0	100	100	
	"	Hollis Smith . . .	7	6	7	6	85	85	
	"	Joseph Bailey . .	7	6	7	6	100	100	
	"	Benjamin Pomroy .	8	6	8	6	100	100	
	"	Louis Bourdon . .	7	6	7	6	100	100	
	Shefford . . .	David C. Emery . .	5	0	5	0	50	50	
	"	D. and A. Wood . .	7	0	7	0	68.3.34½	68.3.34½	
	"	Nelson Bell . . .	5	0	5	0	40	40	
	"	Pierre Hoskins . .	5	0	5	0	10.11.10	10.11.10	
	Stukely . . .	Jacob Sheppard . .	5	0	5	0	100	100	
	Westbury . . .	Joseph Skey . . .	4	0	4	0	200	200	
	Bulstrode . .	Joseph Pellerin . .	4	0	4	0	39	39	
	"	Amable Le Blanc . .	4	0	4	0	27	27	
	"	Alexis Le Blanc . .	4	0	4	0	44	44	
	"	Charles Houle . .	4	0	4	0	67	67	
	"	Jean Tourigny . .	4	0	4	0	47	47	
	"	Laurent Heon . . .	4	0	4	0	3	3	
	Leeds . . . .	John Holgate . . .	7	6	7	6	140	140	
	Brome . . . .	Henry Mills . . .	5	0	5	0	75	75	
	"	Robert Seymour . .	5	0	5	0	100	100	
	Farnham . . .	S. W. Keys . . . .	7	6	7	6	200	200	
	Potton . . . .	Robert Manson . .	4	0	4	0	100	100	
	Brompton . .	George J. Goodhue .	4	0	4	0	200	200	
	Newton . . . .	John M'Donell . .	7	6	7	6	136	136	
	Windsor . . .	Barber Bailey . .	5	0	5	0	95	95	
	Upton . . . .	Amable Paradix . .	5	0	5	0	200	200	
	"	J. B. Langlois . .	5	0	5	0	200	200	
	Durham . . . .	Alexander Bothwell .	5	0	5	0	100	100	
	"	Thomas Beakey . .	5	0	5	0	100	100	
	Melbourne . .	Robert Graham . .	5	0	5	0	50	50	
	"	Michael Aimes . . .	5	0	5	0	100	100	
	Chatham . . .	T. A. Stayner . . .	2	6	2	6	400		
	Horton . . . .	Ditto . . . . .	4	0	4	0	1,588	7,448	
	Blandford . .	Ditto . . . . .	4	0	4	0	5,460		
	Oxford . . . .	Dominick Daly . .	4	0	4	0	1,400	3,600	
	Ditton . . . .	Ditto . . . . .	4	0	4	0	2,200		
	Frampton . .	Joseph Reid . . .	4	0	4	0	100	100	
	Lochaber . . .	John Pearson, sen. .	5	6	5	6	200	200	
	Maddington .	Angus M'Donald . .	4	0	4	0	280		
	Stanfold . . .	Ditto . . . . .	4	0	4	0	600	1,080	
	Somerset . . .	Ditto . . . . .	4	0	4	0	200		
	Stanfold . . .	Peter Paterson . .	4	0	4	0	800		
	Somerset . . .	Ditto . . . . .	4	1	4	1	200	2,200	
	"	Ditto . . . . .	4	0	4	0	1,200		
	"	Christopher Carter .	4	0	4	0	200		
	Hunterstown .	J.H.Kerr&T.Kimpton	3	0	3	0	4,200	4,200	
	"	Truman Kimpton . .	3	0	3	0	102	102	
	Caxton . . . .	Sueton Grant . . .	2	6	2	6	313	313	
	"	H. H. Humphries and Webb . . . . .	2	6	2	6	5,331	5,331	
	Ascot . . . .	Dr. William Wilson ,	6	6	6	6	50	50	
	Templeton . .	John M'Millan . .	5	1	5	1	400	400	
	Wentworth . .	William Turner . .	2	6	2	6	200	200	
1836	Templeton . .	Joseph Barber . .	5	0	5	0	100	100	111,277.3.4½

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.  
Enclosure No. 2.

Years.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individ- ual in each Year.	Total Number of Acres sold in each Year.
1836	Melbourne . . .	Edward Journeau . . .	s. d. 10 0	s. d. 10 0	60	60	
	"	Patrick Carlin . . .	5 0	5 0	150	150	
	"	William Mackee . . .	5 0	5 0	50	50	
	"	Samuel Jameson . . .	5 0	5 0	50	50	
	"	Robert Graham . . .	5 0	5 0	50	50	
	"	James M'Culloch . . .	5 0	5 0	200	200	
	"	B. A. S. Company . . .	5 0	5 0	2,150		
	Shipton . . .	Ditto . . .	5 0	5 0	5 250		
	Brompton . . .	Ditto . . .	4 0	4 0	1,200		
	Orford . . .	Ditto . . .	4 0	4 0	233		
	Acton . . .	Ditto . . .	5 0	5 0	200		
	Kinsey . . .	Ditto . . .	5 0	5 0	2,000		18,515
	Bolton . . .	Ditto . . .	4 0	4 0	832		
	Windsor . . .	Ditto . . .	5 0	5 0	2,000		
	Stoke . . .	Ditto . . .	5 0	5 0	4,200		
	Roxton . . .	Ditto . . .	5 0	5 0	450		
	Onslow . . .	Joseph Rice . . .	7 6	7 6	144		144
	"	R. Wright . . .	9 0 $\frac{1}{2}$	9 0 $\frac{1}{2}$	200		200
	"	Thomas Josry . . .	6 0	6 0 $\frac{1}{2}$	200		200
	"	Samuel Benedict . . .	6 0	6 0 $\frac{1}{2}$	200		200
	"	Robert Stewart . . .	6 0	6 0 $\frac{1}{2}$	200		200
	Newton . . .	George S. de Beaujeu . . .	7 6	6	378		378
	Brompton . . .	W. Rankin . . .	4 0	4 0	292		292
	Orford . . .	C. F. H. Goodhue . . .	4 0	4 0	450		450
	Kinsey . . .	Robert Cumming . . .	5 0	5 0	200		200
	"	Dennis Brady . . .	5 0	5 0	100		100
	"	J. F. Chateauvert . . .	5 0	5 0	50		50
	"	J. B. Cloutier . . .	5 0	5 0	50		50
	"	P. Amiel . . .	5 0	5 0	50		50
	"	Louis Rabida . . .	5 0	5 0	50		50
	"	Louis Rabida, jun. . .	5 0	5 0	50		50
	"	Joseph Bowland . . .	5 0	5 0	100		100
	Ascot . . .	William B. Felton . . .	7 6	7 6	453		453
	"	S. Brooks . . .	7 6	7 6	100		100
	"	G. W. Brooks . . .	7 6	7 6	150		150
	"	George Dean . . .	8 3	8 3	200		200
	Hull . . .	Robert Clock . . .	6 0	6 0 $\frac{1}{2}$	200		200
	"	Arthur Vickers . . .	6 0	11 1	200		200
	"	Patrick Dugan . . .	6 0	6 0 $\frac{1}{2}$	200		200
	Eardly . . .	Owen Perry . . .	6 7	6 7	200		200
	"	David Moor . . .	7 6	7 5	200		200
	Shefford . . .	C. Inglis . . .	5 0	5 0	123.3.10 $\frac{1}{2}$		123.3.10 $\frac{1}{2}$
	Brome . . .	Joseph Sheppard . . .	5 0	5 0	200		200
	"	Richard Vincent . . .	5 0	5 0	200		200
	"	Jacob Clark . . .	5 0	5 0	100		100
	Granby . . .	Elijah Hall . . .	5 0	5 0	100		100
	Bolton . . .	D. and A. Wood . . .	4 0	4 0	100		100
	Compton . . .	A. W. Kentrick . . .	7 6	7 6	100		100
	"	Ben Sleeper . . .	7 6	7 6	100		100
	Windsor . . .	J. P. Stevens . . .	5 0	5 0	95		95
	"	Barker Bailey . . .	5 0	5 0	103.2		103.2
	"	Bradley Bailey . . .	5 0	5 0	103.2		103.2
	Shipton . . .	James Willey, jun. . .	5 0	5 0	100		100
	"	Stephen Olney . . .	5 0	5 0	100		100
	"	S. M. Dennison . . .	5 0	5 0	100		100
	Durham . . .	Patrick Murphy . . .	5 0	5 0	100		100
	"	Patrick Brady . . .	5 0	5 0	104		100
	Upton . . .	O. Arcand . . .	5 0	5 0	300		300
	"	L. Pepin & J. B. Lauzon . . .	5 0	5 0	200		200
	"	Joyal and Chapdelaine . . .	5 0	5 0	200		200
	"	F. Cotterel . . .	5 0	5 0	135		135
	Maddington . . .	Angus M'Donald . . .	4 0	4 0	200		200
	Stanfold . . .	James Prince . . .	4 0	4 0	400		800
	"	Ditto . . .	4 6	4 6	400		
	Hanfold . . .	P. Poirier . . .	4 0	4 0	145		145
	"	W. M. Harrison . . .	4 0	4 0	200		
	"	B. Hall . . .	5 8	5 8	200		468
	Somerset . . .	Ditto . . .	4 0	4 0	68		
	Aston . . .	J. M'Leod . . .	4 0	4 0	200		200
	"	J. Neilson . . .	4 0	4 0	400		400
	"	Matthew Bell . . .	4 0	4 0	666		1,666
	Warwick . . .	Ditto . . .	4 0	4 0	1,000		
	Somerset . . .	Peter Patterson . . .	4 0	4 0	1,800		1,800



Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each individual in each Year.	Total Number of Acres sold in each Year.
1836	Wakefield . .	James Pritchard . .	s. d. 5 0	s. d. 5 0 $\frac{1}{2}$	100	100	34,310.3.10 $\frac{1}{2}$
	Clarendon . .	C. M'Carthy . . .	6 0	6 0 $\frac{1}{2}$	200	200	
	"	William Egan . . .	6 0	6 0 $\frac{1}{2}$	400	400	
	"	William Quin . . .	6 0	6 0 $\frac{1}{2}$	100	200	
	"	Ditto . . .	6 0	6 0	100		
	"	Simon Dun . . .	6 0	6 0	100	100	
	"	John Walsh . . .	6 0	6 0	100	100	
	Bristol . . .	Mary Gibbard . . .	5 3	5 3	179	179	
	Chatham . . .	John Burk . . .	2 6	2 6	100	100	
	Lochaber . . .	James Miller . . .	5 4	5 4	200	200	
	"	Angus M'Gilliray . .	5 4	5 4	100	100	
	Wentworth . .	Walter M'Vicar . .	2 6	2 6	200	200	
	Grenville . . .	Pat Dunn . . .	2 6	2 6	100	100	
	Harrington . .	Hamilton and Low . .	2 6	2 6	200	200	
1837	Bolton . . .	Asa Blunt . . .	6 0	6 0	200	200	34,310.3.10 $\frac{1}{2}$
	Dudswell . . .	Hollis Smith . . .	7 6	7 6	100	100	
	Hatley . . .	Abiel B. Abbott . .	7 6	7 6	40	40	
	"	Ebenezer Bacon . .	8 0	8 0	100	100	
	"	Thomas M'Coy . . .	10 6	10 6	100	100	
	Melbourne . .	Charles Radford . .	7 6	7 6	200	200	
	"	Thomas Wilson . . .	7 6	7 6	200	200	
	"	John Sloane . . .	7 6	7 6	100	100	
	"	Robert Sloane . . .	7 6	7 6	100	100	
	"	François La Font . .	7 6	7 6	67	67	
	Orford . . .	Edward Hale . . .	12 6	12 6	200	200	
	Hanstead . . .	Chauncey Bullock . .	7 6	7 6	1	1	
	"	C. S. Knight . . .	7 6	7 6	100	100	
	"	Arthur Williamson . .	7 6	7 6	150	150	
	"	Joseph Clay . . .	7 6	7 6	100	100	
	"	Quartus Pomroy . .	10 6	10 6	60	60	
	"	Abigail Mack . . .	7 6	7 6	100	100	
	"	Daniel Williams . .	7 6	7 6	200	200	
	"	Daniel Webster . . .	7 6	7 6	56. 2	56.2	
	Sutton . . .	Samuel Sheppard, jun.	7 6	7 6	100	100	
	"	William Smith . . .	5 0	5 0	66. 2. 26 $\frac{1}{3}$	66.2.26 $\frac{1}{3}$	
	Newton . . .	Geo. S. de Beaujeu . .	11 9	11 9	200	200	
	Clarendon . .	Allan Paul . . .	6 0	6 0	100	100	
	"	H. Le Mesurier . . .	6 0	6 0	400		
	Warwick . . .	Ditto . . .	5 6	5 6	1,200	3,400	
	"	Ditto . . .	4 0	4 0	1,200		
	"	Ditto . . .	5 0	5 0	600		
	Litchfield . .	George Allen . . .	6 0	6 0	100	100	
	Clarendon . .	Samuel Carr . . .	15 0	15 0	59. 1. 6	59.1.6	
	Compton . . .	A. G. Woodward . .	10 0	10 0	100	100	
	"	Philip Flanders . .	10 0	10 0	100	100	
	"	Henry Richardson . .	10 0	10 0	100	100	
	"	Levi Wyman . . .	9 0	9 0	50	50	
	"	Jos. S. Parsons . . .	9 6	9 6	34	34	
	"	Ben. Pomroy . . .	9 0	9 0	50	50	
	Durham . . .	Hugh Bogie . . .	7 6	7 6	100	100	
	"	James Sutherland . .	7 6	7 6	50	50	
	"	William Sutherland . .	7 6	7 6	50	50	
	"	Andrew Walker . . .	7 6	7 6	50	50	
	Grantham . . .	Rev. G. M. L. Ross . .	3 0	3 0	113.1.14	113.1.14	
	Shipton . . .	Robert Lee . . .	7 6	7 6	100	100	
1837	"	Clarissa Allan . . .	7 6	7 6	50	50	
	"	Jared Hearn . . .	7 6	7 6	100	100	
	"	Edward Cox . . .	7 6	7 6	100	100	
	Ixworth . . .	Jean Déry . . .	7 6	7 6	200	200	
	Warwick . . .	James H. Kerr . . .	4 0	4 0	2,400	2,400	
	Stanfold . . .	Peter Patterson . .	4 0	4 0	1,400	2,200	
	Somerset . . .	Ditto . . .	4 0	4 0	800		
	"	Joseph Prince . . .	4 0	4 0	200	200	
	Kildare . . .	John Conner . . .	2 6	2 6	166	166	
	Grenville Aug .	Barney Nolty . . .	2 6	2 6	50	50	
	Armagh . . .	L. Martineau . . .	5 0	5 0	200	200	
	Granby . . .	Charles M'Carthy . .	5 6	5 6	100	100	
	"	Salem Town . . .	5 0	5 0	100	100	
	"	Edward Roberts . .	5 0	5 0	50	50	
	"	John Flaven . . .	5 0	5 0	100	100	
	Durham . . .	Lendal F. Leach . .	10 0	10 0	130	130	
	"	Darius Curtis . . .	10 0	10 0	70	70	

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 2.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 2.

Year.	Township.	Purchasers.	Upset Price.	Price they sold at.	Number of Acres sold.	Number of Acres sold to each indivi- dual in each Year.	Total Number of Acres sold in each Year.
1837	Durham. . .	William Lavery . .	s. d.	s. d.	200	200	
	"	Thomas Weetover . .	7 6	7 6	100	100	
	Brome . . .	Moses Gilman . .	7 0	7 0	100	100	
	Faruham . .	William Hamilton . .	10 0	10 0	100	100	
	"	Seneca Paige . .	7 6	7 6	200	200	
	"	Reuben Godard . .	8 0	8 0	100	100	
	Shefford . .	James Armstrong . .	5 0	5 0	97.0.16	97.0.16	
	"	Enos Parker . .	5 6	5 6	200	200	
	"	Abraham Katchpan . .	5 0	5 0	57.2.20	57.2.20	
	"	Thomas Booth . .	5 0	5 0	98.0.10	98.0.10	
	"	Silas Geer . .	7 0	7 0	91.2.0	91.2.0	
	"	Richard Booth . .	5 0	5 0	97.2.20	97.2.20	
	Barnston . .	Thomas C. Butler . .	7 6	7 6	50	50	
	"	E. S. Southmayer . .	8 9	8 9	70	70	
	"	Ebenezer Kilborn . .	8 9	8 9	30	30	
	"	Thomas Humphreys . .	8 0	8 0	39.2.20	39.2.20	
	"	Josiah Kilborn . .	7 6	7 6	100	100	
	Ascot . . .	Samuel Brooks . .	9 0	9 0	50	50	
	"	Samuel Lee Terrill . .	7 6	7 6	200	200	
	Broughton . .	Captain Ed. Webb . .	4 0	4 0	200	200	
	Eaton . . .	James Barry . .	8 0	8 0	100	100	
	"	Moses Terry . .	18 0	8 0	100	100	
	"	Rev. John Taylor . .	5 0	15 0	143.0.57	143.0.57	
	"	Luke Chaddock . .	8 0	8 0	100	100	
	Kinsey . . .	William Towne . .	7 6	7 6	100	100	
	"	Michael Gibney . .	5 0	5 0	100	100	
	"	John Wadleigh . .	7 6	7 6	41.2.0	41.2.0	
	"	Louis Prince . .	7 6	7 6	158.2.0	158.2.0	
	Aston Aug . .	John M'Leod . .	4 0	4 0	400	600	
	"	Ditto . .	5 6	5 6	200		
	"	Hon. Mat. Bell . .	4 0	4 0	167	167	
	Potton . . .	Moses Elkins . .	7 6	7 6	150	150	
	Windsor . .	R. M'Manus . .	5 0	5 0	100	100	
	Bristol . . .	John Cowan . .	5 3	5 3	97.2.0	97.2.0	
	"	Dan. Ross, jun. . .	5 3	5 3	70	70	
	Grenville . .	Jos. M'Teague . .	2 6	2 6	100	100	
	"	John M'Teague . .	2 6	2 6	100	100	
	"	Alexander M'Callum . .	2 6	2 6	200	200	
	"	Alexander M'Tarish . .	2 6	2 6	100	100	
	Hanbridge . .	P. H. Moore . .	7 6	7 6	200	200	
	"	Elihu Spier . .	10 0	10 0	50	50	
	Hull . . .	Richard Kidder . .	7 6	7 6	100	100	
	Clarendon . .	John M'Arthur . .	6 0	6 0	100	100	
	"	C. Stone . .	6 0	6 0	100	100	
	"	Robert Barnet . .	6 0	6 0	50	50	
	Buckingham . .	Margaret Clements . .	3 9	3 9	100	100	
	"	Livinia Dodge . .	3 9	3 9	100	100	
1838	Nil.	Nil.	..	..	..		18,823.0.9 $\frac{1}{2}$
						Total .	309,554.3.16



NUMBER of ACRES of CLERGY RESERVES sold in each Township.

Township.	Number of Acres.			Township.	Number of Acres.		
	A.	R.	P.		A.	R.	P.
Acton . . . . .	5,647			Brought forward .	152,873	2	2 <sup>2</sup> / <sub>3</sub>
Armagh . . . . .	200			Ixworth . . . . .	200		
Ascot . . . . .	5,200			Kildare . . . . .	166		
Aston and Augmentation.	2,699			Kinsey . . . . .	6,206		
Auckland . . . . .	3,800			Leeds . . . . .	3,962		
Barford . . . . .	4,800			Lingwick . . . . .	2,400		
Barnston . . . . .	6,479	3	33 <sup>1</sup> / <sub>3</sub>	Litchfield . . . . .	763		
Blandford . . . . .	6,751			Lochaber . . . . .	1,468		
Bolton . . . . .	4,515	1	0	Maddington . . . . .	680		
Bristol . . . . .	738			Melbourne . . . . .	4,914		
Brome . . . . .	5,825			Milton . . . . .	2,774		
Brompton . . . . .	4,301			Nelson . . . . .	942		
Broughton . . . . .	900			Newport . . . . .	8,200		
Buckingham . . . . .	1,000			Newton . . . . .	714		
Buckland . . . . .	239			Onslow . . . . .	1,884		
Bulstrode . . . . .	337			Orford . . . . .	2,860		
Bury . . . . .	2,000			Potton . . . . .	5,591	2	26 <sup>2</sup> / <sub>3</sub>
Caxton . . . . .	5,644			Rawdon . . . . .	300		
Chatham . . . . .	5,400			Roxton . . . . .	9,416	2	26 <sup>2</sup> / <sub>3</sub>
Chester . . . . .	372			Shefford . . . . .	6,351	0	10 <sup>1</sup> / <sub>3</sub>
Clarendon . . . . .	2,050			Shipton . . . . .	8,825	1	0
Clifton . . . . .	8,288			Simpson . . . . .	8,246		
Clinton . . . . .	2,000			Somerset . . . . .	4,668		
Compton . . . . .	4,396			Stanbridge . . . . .	3,485	0	5 <sup>1</sup> / <sub>3</sub>
Ditton . . . . .	2,200			Standon . . . . .	238		
Dudswell . . . . .	6,665	3	0	Stanfold . . . . .	4,415		
Dunham . . . . .	3,021	1	20	Stanstead . . . . .	6,154	3	29 <sup>1</sup> / <sub>3</sub>
Durham . . . . .	2,369	2	26 <sup>1</sup> / <sub>3</sub>	Stoke . . . . .	8,141		
Eardley . . . . .	600			Stoneham . . . . .	900		
Eaton . . . . .	6,597	3	25	Stukeley . . . . .	5,802	1	22
Ely . . . . .	5,200			Sutton . . . . .	433	1	13
Farnham . . . . .	2,050			Templeton . . . . .	1,242		
Frampton . . . . .	2,427			Tewkesbury . . . . .	700		
Granby . . . . .	5,166	0	8	Thetford . . . . .	3,200		
Grantham . . . . .	6,013	1	14	Tingwick . . . . .	600		
Grenville and Augmentation	4,950			Upton . . . . .	5,964		
Halifax . . . . .	1,130			Warwick . . . . .	5,800		
Harrington . . . . .	200			Wakefield . . . . .	100		
Hatley . . . . .	5,261	0	31	Weedon . . . . .	8,600		
Hereford . . . . .	150			Wendover . . . . .	6,400		
Horton . . . . .	1,588			Wentworth . . . . .	600		
Hull . . . . .	3,496			Westbury . . . . .	2,273		
Hunterstown . . . . .	4,302			Wickham . . . . .	7,677		
Inverness . . . . .	5,000			Windsor . . . . .	2,694		
Ireland . . . . .	903	0	5				
Carry forward . .	152,873	2	2 <sup>2</sup> / <sub>3</sub>	Total . .	309,554	3	16

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 2.

(Signed) JOHN DAVIDSON.  
T. BOUTHLLIEU.

Enclosure 3 in No. 22.

LOWER CANADA. { RETURN showing the Number of Acres of Land granted under Letters Patent, between the 7th February, 1796, and 1st January, 1839.

Number of Acres granted gratuitously under Letters Patent.							
Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.
		A. R. P.	A. R. P.			A. R.	A. R.
1796	Durham . . .	40,895	40,895	1803	Bulstrode . . .	23,373	239,928
1797	Brome . . .	41,757 3			Kingsey . . .	11,149 2	
	Potton . . .	6,000	110,379 8 30		Hemmingford . .	8,130	
	Bolton . . .	62,621 1 30			Kildare . . .	11,025	
1798	Farnham . . .	22,540	71,387		Potton . . .	26,252	
	Magdalen Islands .	48,847			Newport . . .	12,009	
1799	Hinchinbrook . .	5,400	97,766	1804	Stanstead . . .	1,276	157,344
	Hemmingford . .	20,800			Hemmingford . .	2,800	
	Clifton . . .	12,330	232,200		Tingwick . . .	23,730	
	Armagh . . .	2,400			Warwick . . .	23,940	
	Rawdon . . .	1,900	218,400		Westbury . . .	11,698	
	Chatham . . .	2,200			Nelson . . .	36,586	
	Buckingham . . .	2,000	218,400		Somerset . . .	36,290	120,034 2
	Dorset . . .	50,736			Windsor . . .	400	
1800	Stoneham . . .	22,800	232,200	1805	Tring . . .	21,900	
	Tewksbury . . .	24,000			Barnston . . .	2,200	
	Grantham . . .	25,400	218,400		Rawdon . . .	3,000	
	Hunterstown . .	21,600			Kingsey . . .	10,708	
	Upton . . .	22,600	218,400		Hatley . . .	2,687	
	Stanstead . . .	26,600			Newton . . .	12,621	
	Broughton . . .	22,000	218,400		Onslow . . .	1,013 2	121,986
	Stukely . . .	22,000			Melbourne . . .	25,478	
	Hereford . . .	20,800	218,400		Chester . . .	11,150	
	Eaton . . .	24,400			Dudswell . . .	11,312	
1801	Shefford . . .	33,800	218,400		Wendover . . .	11,475	
	Barnston . . .	22,000			Halifax . . .	11,700	68,226
	Orford . . .	13,600	218,400		Durham . . .	8,490	
	Newport . . .	11,000			Stanstead . . .	3,400	
	Stanbridge . . .	39,800	218,400		Farnham . . .	4,800	
	Brompton . . .	40,200		1806	Hull . . .	13,201	419,632
	Shipton . . .	58,000			Aston . . .	26,785	
1802	Arthabaska . . .	11,000	380,358		Aukland . . .	22,000	
	Thetford . . .	22,000			Granby . . .	1,200	
	Stoke . . .	43,600	380,358		Frampton . . .	11,029	
	Barford . . .	26,400			Acton . . .	22,924	57,718
	Sutton . . .	38,000	380,358		Milton . . .	800	
	Windsor . . .	50,902			Simpson . . .	800	
	Chester . . .	11,000	380,358		Eardley . . .	6,474	
	Simpson . . .	41,903			Buckland . . .	11,773	
	Halifax . . .	11,000	380,358		Chatham . . .	5,000	
	Inverness . . .	11,000		1807	Lingwick . . .	12,000	57,718
	Wolfstown . . .	11,000			Lochaber . . .	11,736	
	Leeds . . .	11,200	380,358		Templeton . . .	8,070	
	Ireland . . .	11,000			Stanfold . . .	25,420	
	Durham . . .	21,051			Ham . . .	11,000	
	Compton . . .	25,012	380,358	1808	Grenville . . .	1,220	57,718
	Wickham . . .	22,090			Ham . . .	1,200	
	Ely . . .	11,000	380,358		Frampton . . .	11,803	
	Ixworth . . .	1,200			Onslow . . .	12,228 2	
1803	Ditton . . .	11,000	380,358		Maddington . .	11,938	
	Roxton . . .	23,700			Windsor . . .	800	
	Granby . . .	31,195	380,358		Simpson . . .	1,800	
	Buckingham . . .	14,493 2			Nelson . . .	374	
	Milton . . .	23,549	380,358		Somerset . . .	600	
	Clifton . . .	29,324		1809	Farnham . . .	10,800	57,718
	Ascot . . .	19,027	380,358		Sherrington . .	26,264	
	Bury . . .	11,000			Upton . . .	800	
	Hatley . . .	22,434			Wentworth . . .	11,800	
	Clinton . . .	11,060			Templeton . . .	8,054	



Number of Acres granted gratuitously under Letters Patent.

Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Townships.	Number of Acres in each Township.	Number of Acres in each Year.
		A.				A. R.	A. R.
1810	Stanstead . . .	21,406	60,662	1819	Wickham . . .	600	11,371
	Barnston . . .	13,546			Wendover . . .	200	
	Compton . . .	13,110			Grantham . . .	471	
	Shenley . . .	10,600			Simpson . . .	100	
	Shipton . . .	200			Kingsey . . .	1,200	
	Potton . . .	200			Hatley . . .	1,200	
	Grenville . . .	1,600					
1811	Ely. . . . .	600	40,773	1820	Wickham . . .	363	1,269 2
	Newton . . .	1,062			Temiscoutra Portage	106 2	
	Barnston . . .	3,200			Grenville . . .	200	
	Inverness . . .	600			Stoneham . . .	200	
	Kingsey . . .	1,600			Durham . . .	200	
	Hemmingford . .	3,200			Wendover . . .	200	
	Hinchinbrooke .	3,719		1821	Leeds . . . . .	200	
	Ham . . . . .	1,200			Ashford . . . .	1,200	
	Godmanchester .	25,592			Halifax . . . .	800	
1812	Chatham . . . .	29,669	44,691	1822	Frampton . . . .	2,100	68,035
	Leeds . . . . .	8,002			Grenville . . . .	4,177	
	Eaton . . . . .	200			Wickham . . . .	18,725	
	Sherrington . . .	6,820			Grantham . . . .	11,133	
1814	Godmanchester .	8,850	23,447		Ireland . . . . .	500	
	Durham . . . . .	1,900			Weedon . . . . .	12,100	
	Kingsey . . . . .	1,400			Wendover . . . .	900	
	Leeds . . . . .	600			Durham . . . . .	300	
	Hemmingford . .	4,400			Upton . . . . .	400	
	Tingwick . . . .	5,642			Settrington . . .	13,000	
	Ascot . . . . .	200			Hull . . . . .	1,200	
	Wendover . . . .	455			Leeds . . . . .	600	
1815	Durham . . . . .	12,700	45,000	1823	Dudswell . . . .	100	
	Eaton . . . . .	2,500			Kildare . . . . .	2,800	
	Grantham . . . .	29,800					
1816	Grantham . . . .	1,984	57,530		Upton . . . . .	600	
	Windsor . . . . .	400			Grantham . . . .	200	
	Ixworth . . . . .	6,333			Blandford . . . .	28,332	
	Hinchinbrooke .	12,800			Grenville . . . .	2,846	
	Wendover . . . .	1,130			Weedon . . . . .	500	
	Godmanchester .	2,808			Ireland . . . . .	394	
	Ascot . . . . .	5,600			Kingsey . . . . .	800	
	Stukely . . . . .	15,475			Rawdon . . . . .	1,100	
	Ely . . . . .	11,000			Eaton . . . . .	3,200	
					Lochaber . . . .	1,945	
1817	Clifton . . . . .	600	27,700		Dudswell . . . .	2,900	
	Potton . . . . .	9,600			Frampton . . . .	800	
	Sutton . . . . .	4,300			Chester . . . . .	801	
	Kingsey . . . . .	1,000			Inverness . . . .	800	
	Frampton . . . .	1,200		1824	Wendover . . . .	970	
	Melbourne . . . .	3,400			Broughton . . . .	1,800	46,188
	Ireland . . . . .	200			Ireland . . . . .	3,270	
	Grenville . . . .	200			Kingsey . . . . .	600	
	Tingwick . . . .	7,200			Kildare . . . . .	2,810	
					Hull . . . . .	5,456	
					Matane Aug. . . .	8,920	
					Argyle Seigniory .	14,800	
					Blandford . . . .	11,009	
					Leeds . . . . .	1,339	
					Ascot . . . . .	5,215	
1818	Melbourne . . . .	700	17,446		Hatley . . . . .	300	60,711
	Godmanchester .	2,660			Aston . . . . .	792	
	Hinchinbrooke .	2,829			Eardley . . . . .	1,500	
	Hemmingford . .	200			Grenville . . . .	200	
	Milton . . . . .	200			Farnham . . . . .	1,300	
	Granby . . . . .	200			Rawdon . . . . .	200	
	Eaton . . . . .	200			Chester . . . . .	1,200	
	Tingwick . . . .	4,657		1825	Leeds . . . . .	700	
	Ascot . . . . .	3,259			Kildare . . . . .	200	
	Hatley . . . . .	2,075			Rawdon . . . . .	300	
	Orford . . . . .	266			Inverness . . . .	500	1,888
	Wendover . . . .	200			Grantham . . . .	188	
1819	Chester . . . . .	1,000					
	Leeds . . . . .	1,200					
	Ely . . . . .	4,200					
	Shenley . . . . .	1,200					

Number of Acres granted gratuitously under Letters Patent.							
Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Townships.	Number of Acres in each Township.	Number of Acres in each Year.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.
1826	Frampton . . .	2,300	4,700	1831	Godmanchester . .	1,530	68,331 3 14
	Inverness . . .	200			Dudswell . . .	900	
	Leeds . . .	200			Hinchinbrooke . .	511	
	Ascot . . .	2,000			Hull . . .	2,216 0 22	
1827	Brandon . . .	9,600	36,806		Ascot . . .	2,940	
	Hatley . . .	1,518			Kildare . . .	1,718	
	Farnham . . .	1,100			Templeton . . .	380	
	Stukely . . .	1,600			Inverness . . .	290	
	Grenville . . .	1,000			Buckingham . . .	3,600	
	Rawdon . . .	200			Chester . . .	1,704	
	Kildare . . .	200			Tingwick . . .	800	
	Godmanchester . .	550			Rawdon . . .	2,200	
	Granby . . .	1,200			Brandon . . .	2,000	
	Shefford . . .	1,400			Hatley . . .	1,344	
	Compton . . .	1,006			Halifax . . .	2,900	
	Barnston . . .	800			Acton . . .	2,000	
	Stanstead . . .	1,200			Hemmingford . .	200	
	Shipton . . .	2,000			Broughton . . .	500	
	Hull . . .	12,733			Onslew . . .	252	
	Templeton . . .	605			Durham . . .	160	
	Frampton . . .	100			Wickham . . .	1,666	
1828	Durham . . .	800	31,749 0 32		Maddington . . .	505	
	Chester . . .	800			Upton . . .	813	
	Godmanchester . .	1,392			Stoneham . . .	600	
	Hinchinbrooke . .	1,044			Warwick . . .	1,600	
	Kildare . . .	600			Newport . . .	200	
	Rawdon . . .	300			Granby . . .	400	
	Granby . . .	1,200			Kingsey . . .	200	
	Hatley . . .	400			Aston . . .	1,000	
	Milton . . .	1,000			Roxton . . .	1,600	
	Dudswell . . .	860			Eaton . . .	1,100	
	Grantham . . .	300			Lochaber . . .	775	
	Frampton . . .	2,200			Grantham . . .	900	
	Ireland . . .	2,800		1832	Grantham . . .	2,452	68,331 3 14
	Leeds . . .	1,390			Godmanchester . .	9,427 2	
	Inverness . . .	440			Inverness . . .	4,620	
	Stoneham . . .	200			Leeds . . .	3,174	
	Grenville . . .	200			Rawdon . . .	4,800	
	Brandon . . .	1,700			Buckingham . . .	800	
	Halifax . . .	800			Roxton . . .	900	
	Upton . . .	8,341			Hull . . .	205	
	St. Thomas, Isle in	17 0 32			Hinchinbrooke . .	3,258	
	Tingwick . . .	4,225			Ireland . . .	5,518	
	Wendover . . .	300			Kilkenny . . .	8,100	
	Kingsey . . .	500			Wendover . . .	200	
1829	Hinchinbrooke . .	200	7,656		Kildare . . .	2,900	
	Frampton . . .	2,100			Wickham . . .	23,554	
	Jersey . . .	5,355			Durham . . .	400	
					Chatham . . .	9,400	
1830	Hinchinbrooke . .	3,400	39,127		Wentworth . . .	400	
	Godmanchester . .	2,319			Brandon . . .	10,204	
	Inverness . . .	600			Compton . . .	400	
	Ireland . . .	1,200			Tewkesbury . . .	400	
	Chester . . .	2,439			Broughton . . .	1,700	
	Leeds . . .	260			Bulstrode . . .	92	
	Hereford . . .	1,200			Dudswell . . .	900	
	Ascot . . .	7,078			Dunham . . .	200	
	Brompton . . .	272			Templeton . . .	1,995	
	Roxton . . .	1,600			Ely . . .	1,300	
	Hatley . . .	5,571			Grenville . . .	7,350	
	Orford . . .	11,503			Farnham . . .	714	
	Acton . . .	3,400			Stanbridge . . .	400	
	Blandford . . .	285			Granby . . .	400	
1831	Leeds . . .	1,056	39,127		Lochaber . . .	2,059	
	Frampton . . .	6,750			Chester . . .	129	
	Shenley . . .	15,956 2 32			Kingsey . . .	1,600	
	Standon . . .	2,165			Simpson . . .	528	
	Ireland . . .	1,100			Upton . . .	1,100	
	Wolfstown . . .	1,800			Hatley . . .	700	
					Milton . . .	1,100	
					Stanfold . . .	1,334	
					Hemmingford . .	1,162	



Number of Acres granted gratuitously under Letters Patent.							
Year.	Township.	Number of Acres in each Year.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Year.	Number of Acres in each Year.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.
1832	Wolfstown . . .	200			Roxton . . .	1,215	
	Newport . . .	1,000			Ascot . . .	150	
	Halifax . . .	100			Stanfold . . .	200	
	Eaton . . .	800			Durham . . .	100	
	Tingwick . . .	800			Hatley . . .	100	
			97,875 2		Ely . . .	800	
1833	Clarendon . . .	2,142			Chatham . . .	200	
	Hinchinbrooke . . .	3,578			Wolfstown . . .	1,200	
	Ireland . . .	2,000			Bristol . . .	800	
	Stukely . . .	500		1835	Warwick . . .	3,300	42,147
	Eardley . . .	1,210			Kilkenny . . .	2,800	
	Hull . . .	130			Ireland . . .	2,400	
	Chatham . . .	1,700			Frampton . . .	1,300	
	Brandon . . .	1,604			Inverness . . .	1,700	
	La Valtrie Tract . . .	2,010			Leeds . . .	2,960	
	Kildare . . .	525			Maddington . . .	300	
	Leeds . . .	349			Wolfstown . . .	500	
	Rawdon . . .	2,000			Rawdon . . .	8,600	
	Roxton . . .	400			Godmanchester . . .	3,155	
	Buckland . . .	3,223			Ely . . .	2,600	
	Wickham . . .	100			Durham . . .	500	
	Hatley . . .	900			Bristol . . .	652	
	Templeton . . .	300			Hinchinbrooke . . .	2,844	
	Cranbourne . . .	2,862			Buckingham . . .	1,926	
	Kilkenny . . .	1,400			Lochaber . . .	6,625	
	Dudswell . . .	1,200			Tingwick . . .	1,108	
	Grenville . . .	2,550			Grantham . . .	900	
	Wolfstown . . .	2,000			Granby . . .	100	
	Godmanchester . . .	2,722			Halifax . . .	1,100	
	Durham . . .	600			Kinsey . . .	1,100	
	Granby . . .	600			Hatley . . .	1,600	
	Warwick . . .	200			Chatham . . .	2,000	
	Upton . . .	8,416			Roxton . . .	1,600	
	Inverness . . .	500			Ascot . . .	125	
	Ixworth . . .	200			Dudswell . . .	900	
	Halifax . . .	600			Kildare . . .	210	
	Grantham . . .	100			Melbourne . . .	700	
	Eaton . . .	800			Wendover . . .	526	
	Barnston . . .	200			Grenville . . .	3,200	
	Wendover . . .	323 3			Standon . . .	2,184	
	Kingsey . . .	600			Clarendon . . .	8,486	
	Buckingham . . .	1,200			Chester . . .	2,600	
	Hemmingford . . .	229			Compton . . .	146	
	Lochaber . . .	200			Templeton . . .	300	
			50,180 3		Stoke . . .	100	
1834	Stukely . . .	130			Tring . . .	3,000	
	Grenville . . .	900			Broughton . . .	400	
	Maddington . . .	2,600			Acton . . .	3,900	
	Halifax . . .	1,600			Wickham . . .	300	
	Inverness . . .	1,800			Wendover . . .	1,176	
	Dudswell . . .	4,300			Stanfold . . .	1,309	
	Rawdon . . .	4,200			Weedon . . .	1,300	
	Leeds . . .	882			Milton . . .	500	
	Kilkenny . . .	1,320			Ashton . . .	800	
	Chester . . .	1,100			Newport . . .	3,175	
	Buckingham . . .	6,300			Eaton . . .	2,200	

Number of Acres granted gratuitously under Letters Patent.							
Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.
1836	Ireland. . . . .	A. R. P. 900	A. R. 35,791 2	1838	Tring . . . . .	A. R. P. 2,000	A. R. P. 38,550 2 38
	Kennebec Road . . . . .	270			Stanford . . . . .	1,400	
	Hull . . . . .	100			Wentworth . . . . .	1,500	
	Hinchinbrooke . . . . .	950			Wolfstown . . . . .	2,700	
	Buckingham . . . . .	1,600			Ascot . . . . .	100	
	Warwick . . . . .	800			Chester . . . . .	1,800	
	Chester . . . . .	1,000			Wendover . . . . .	3,258	
	Windover . . . . .	100			Bulstrode . . . . .	2,570	
	Clarendon . . . . .	1,266			Farnham . . . . .	200	
	Chatham . . . . .	1,665			Acton . . . . .	4,769	
	Newport . . . . .	500			Ely . . . . .	1,000	
	Cranbourne . . . . .	936			Warwick . . . . .	500	
	Kildare . . . . .	200			Cranbourne . . . . .	200	
	Kilkenny . . . . .	1,299			Kilkenny . . . . .	123	
	Wickham . . . . .	100			Grantham . . . . .	100	
	Durham . . . . .	100			Sherrington . . . . .	525	
	Nelson. . . . .	100			Granby . . . . .	100	
	Buckland . . . . .	947			Broughton. . . . .	2,800	
	Bristol . . . . .	1,000					
	Maddington . . . . .	700					
	Leeds . . . . .	1,112					
	Tring . . . . .	1,000					
	Onslow . . . . .	400					
	Godmanchester . . . . .	1,216 2 0					
	Aston . . . . .	1,681					
	Bulstrode . . . . .	200					
	Jersey . . . . .	100					
	Hatley . . . . .	900					
	Broguhton . . . . .	100					
	Ely. . . . .	200					
	Granby . . . . .	400					
	Weedon . . . . .	2,800					
	Ashford . . . . .	100					
	Stukely . . . . .	700					
	Halifax . . . . .	100					
	1837	Rawdon . . . . .			1,700		
Godmanchester . . . . .		498 3 8			Grenville . . . . .	300	
Grenville . . . . .		300			Brandon . . . . .	1,815	
Ottawa, Isle in . . . . .		11			Broughtoo. . . . .	4,300	
Buckingham . . . . .		400			Godmanchester . . . . .	100 3 17	
Weedon . . . . .		700			Kilkenny . . . . .	1,000	
Kennebec Road . . . . .		1,080			Ashford . . . . .	1,000	
Clarendon . . . . .		200			Acton . . . . .	200	
Chatham . . . . .		14,00			Chester . . . . .	4,500	
Roxton . . . . .		600			Leeds . . . . .	100	
Inverness . . . . .		1,400			Hinchenbrooke . . . . .	208 2 0	
Ireland. . . . .		600			Gaspé Bay. . . . .	68 3 0	
Hinchinbrooke . . . . .		640 1 30			Clarendon . . . . .	400	
Leeds . . . . .		475 2 0			Kildare . . . . .	700	
Ashford . . . . .		2,800			Bulstrode . . . . .	1,282	
Maddington . . . . .	100			Wolfstown . . . . .	900		
					Ireland . . . . .	725	
					Dudswell . . . . .	500	
					Ely. . . . .	1,985	
					Halifax. . . . .	1,900	
					Warwick . . . . .	500	
					Stanford . . . . .	1,300	
					Compton . . . . .	200	
					Inverness . . . . .	300	
					Tring . . . . .	1,200	
					Hull . . . . .	300	
					Cranbourne . . . . .	728	
					Wentworth . . . . .	400	
					Chatham . . . . .	2,600	
					Frampton . . . . .	500	
					Litchfield . . . . .	800	
							31,618 0 17
Total number of Acres granted gratuitously . . . . . 3,091,331 0 10							
Number of Acres under Patent to Purchasers of Crown Lands.							
1804	Eaton . . . . .	6,000	6,00	1832	Hull . . . . .	200	1,800
1831	Inyerness . . . . .	100			Dunham . . . . .	1,100 0 16	
	Stanstead . . . . .	400			Nelson . . . . .	200	
	Eardley . . . . .	100			Kinsey . . . . .	119	
	Potton . . . . .	200			Hull . . . . .	600	
	Dunham . . . . .	200			Melbourne . . . . .	350	
	Frampton . . . . .	200	Brome . . . . .	6,640			
	Stanbridge. . . . .	400			Stanstead . . . . .	950	



Number of Acres under Patent to Purchasefs of Crown Lands.								
Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Township.	Number of Ares in each Year.	
		A. R. P.	A. R. P.			A. R. P.	A. R. P.	
1832	Compton . . .	400	15,565 0 36	1835	Stukely . . .	50	24,126 0 23	
	Hatley . . .	200			Onslow . . .	329		
	Brompton . . .	274 0 20			Dudswell . . .	200		
	Granby . . .	500		1836	Litchfield . . .	664		50,041 0 39
	Hanbridge . . .	700			Dorset . . .	1,778		
	Frampton . . .	100			Shefford . . .	100		
	Eardley . . .	200			Dudswell . . .	700		
	Onslow . . .	100			Ware . . .	4,688		
	Stukely . . .	200			Compton . . .	1,960		
	Cranbourne . . .	968			Barnston . . .	5,528		
	Shefford . . .	100			Stanstead . . .	2,382 9 39		
	Barneton . . .	200			Eaton . . .	6,300		
Standon . . .	1,664	Melbourne . . .	3,358					
1833	Hull . . .	270	5,842 2 25	1837	Tingwick . . .	200	12,143 1 8	
	Tingwick . . .	1,150			Stoke . . .	100		
	Windsor . . .	190			Upton . . .	1,682		
	Granby . . .	200			Kinsey . . .	1,700		
	Ashford . . .	1,000			Orford . . .	2,231		
	Leeds . . .	100			Hatley . . .	11,357		
	Eardley . . .	890			Westbury . . .	408		
	Clarendon . . .	202 2 0			Eardley . . .	100		
	Stoneham . . .	100			Maddington . . .	466		
	Maddington . . .	400			Wendover . . .	2,266		
	Rawdon . . .	200			Granby . . .	100		
	Stanbridge . . .	125			Durham . . .	400		
	Stanstead . . .	365 0 25			Grantham . . .	200		
	Dunham . . .	130			Onslow . . .	200		
	Dudswell . . .	100			Hull . . .	100		
Eaton . . .	100	Frampton . . .	993					
Brome . . .	120	Inverness . . .	100					
Potton . . .	200	1838	Eaton . . .	60	10,193 3 13			
1834	Matane . . .		1,663	Barnston . . .		175		
	Cranbourne . . .		1,516	Farnham . . .		150		
	Hull . . .		100	Stanbridge . . .		90 3 35		
	Dunham . . .		100	Wentworth . . .		1,333 1 13		
	Hunterstown . . .		462	Stanstead . . .		200		
	Newton . . .		200	Wickham . . .		1,660		
1835	Ware . . .		6,722	4,041		Wendover . . .	200	129,753 1 24
	Litchfield . . .		1,338			Wolfstown . . .	200	
	Tingwick . . .		2,100			Bristol . . .	889	
	Hanbridge . . .		334 2 19			Dorset . . .	1,777	
	Shefford . . .		600			Standon . . .	1,946	
	Ely . . .		2,271			Durham . . .	1,450	
	Wendover . . .		1,396			Acton . . .	900	
	Halifax . . .		2,500			Grenville . . .	100	
	Chester . . .	900	Inverness . . .		400			
	Durham . . .	650	Litchfield . . .		612			
	Stanstead . . .	312 2 16	1839		Eaton . . .	150		
	Shipton . . .	352			Durham . . .	305		
	Leeds . . .	200			Kingsey . . .	850		
	Chathafn . . .	100			Acton . . .	931		
	Kinsey . . .	50			Blandford . . .	851		
	Dunham . . .	460			Onslow . . .	25		
	Milton . . .	50			Tring . . .	850		
	Eaton . . .	300			Grenville . . .	400		
	Hull . . .	200			Templeton . . .	200		
	Brome . . .	22 3 28			Warwick . . .	1,944 1 13		
	Cranbourne . . .	1,396			Inverness . . .	100		
	Standon . . .	116			Farnham . . .	100		
	Ixworth . . .	400			Clarendon . . .	102 2 0		
	Stoke . . .	298			Bristol . . .	900		
	Inverness . . .	100			Frampton . . .	1,072		
	Westbury . . .	100	Melbourne . . .		200			
	Compton . . .	128	Barnston . . .		200			
Barnston . . .	50	Armagh . . .	1,013					
Melbourne . . .	100							
Total Number of Acres under Patent, to Purchasers of Crown Lands . . . . .							129,753 1 24	

Number of Acres under Patent to Purchasers of Clergy Reserves.								
Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	Year.	Township.	Number of Acres in each Township.	Number of Acres in each Year.	
		A. R. P.	A. R. P.			A. R. P.	A. R. P.	
1832	Grantham . . .	5,600	6,786	1836	Farnham . . .	200	6,355 3 6	
	Wickham . . .	114			Stukely . . .	300		
	Leeds . . .	200			Brompton . . .	486 2		
	Stanstead . . .	200			Kingsey . . .	200		
	Hull . . .	200			Brome . . .	370		
	Frampton . . .	100			Orford . . .	177		
	Buckingham . . .	200			Eaton . . .	54 2 28		
	Chester . . .	172		Frampton . . .	100			
1833	Halifax . . .	130	571 3 27	1837	Brome . . .	550	5,257 3 18	
	Leeds . . .	109			Durham . . .	100		
	Templeton . . .	242			Dudswell . . .	400		
	Stanbridge . . .	50			Dunham . . .	300		
	Compton . . .	40 3 27			Farnham . . .	50		
1834	Leeds . . .	212	212		Westbury . . .	200		
					Stanbridge . . .	335		
1835	Grantham . . .	200	5,747 0 34		Shefford . . .	772 2 13		
	Wickham . . .	200			Shipton . . .	200		
	Chatham . . .	1,100			Inverness . . .	200		
	Tingwick . . .	100			Granby . . .	590		
	Leeds . . .	340			Onslow . . .	144		
	Hull . . .	1,302 1 34			Eaton . . .	200		
	Hatley . . .	103 2			Stanstead . . .	511 3 5		
	Stanstead . . .	354 2 21		Kingsey . . .	104 2			
	Halifax . . .	533		Grenville . . .	200			
	Bristol . . .	217		Upton . . .	200			
	Bolton . . .	300		Hull . . .	200			
	Granby . . .	100		1838	Compton . . .	200		
	Durham . . .	107			Windsor . . .	187 0 32		
	Nelson . . .	100			Stanbridge . . .	273 3		
	Shipton . . .	198			Hatley . . .	150		
	Ascot . . .	47 2 19			Shipton . . .	600		
	Stukely . . .	100			Ascot . . .	600		
	Buckingham . . .	257			Dunham . . .	250		
	Lochaber . . .	87			Stukely . . .	600		
1836	Chatham . . .	300	Shefford . . .		471 3 27			
	Dudswell . . .	200	Chatham . . .		700			
	Melbourne . . .	385	Newton . . .		136			
	Ascot . . .	400	Inverness . . .		100			
	Barnston . . .	183	Orford . . .		400			
	Westbury . . .	125	Barnston . . .	335				
	Stanstead . . .	879	Stanstead . . .	461				
	Hull . . .	284	Melbourne . . .	299 2				
	Buckingham . . .	200	Chester . . .	200				
	Rawdon . . .	200	Grenville . . .	400				
	Grenville . . .	50	Onslow . . .	200				
	Shipton . . .	499	Buckland . . .	227				
	Hatley . . .	200	Lochaber . . .	100				
	Compton . . .	239 2 38	Hull . . .	50				
	Durham . . .	196	Clinton . . .	2,000				
	Dunham . . .	106 3 20	Acton . . .	1,000				
Total Number of Acres under Patent, to Purchasers of Clergy Reserves . . .							34,852 0 24	

In addition to the above, there are 900 Acres of Clergy Reserves granted gratuitously under Patent, for which an equal number have been appropriated elsewhere.



## Enclosure 4 in No. 22.

NUMBER of ACRES of LAND granted under Letters Patent in each Township, including Gratuitous Grants, Grants to Purchasers of Crown Lands, and Grants to Purchasers of Clergy Reserves, between the 7th February, 1796, and 1st January, 1839.

Township.	Number of Acres.	Township.	Number of Acres.
	A. R. P.		A. R. P.
Acton . . . . .	42,006	Brought forward . .	1,726,527 2 13
Argyle Seignior . . . .	14,805	Kildare and Augmentation	22,912
Armagh . . . . .	3,413	Kiikenny . . . . .	16,042
Arthabaska . . . . .	11,000	Kinsey . . . . .	35,481
Ascot . . . . .	44,714 2 19	La Valtrie Tract . . .	2,010
Ashford . . . . .	6,100	Leeds . . . . .	36,960 2 1
Aston and Augmentation.	31,058	Lingwick . . . . .	12,000
Aukland . . . . .	22,000	Litchfield . . . . .	4,250
Barford . . . . .	26,400	Lochaber . . . . .	26,027
Barnston . . . . .	48,617	Maddington . . . . .	17,009
Blandford . . . . .	40,477	Magdalen Islands . . .	48,847
Bolton . . . . .	62,921 1 30	Matane and Augmentation	10,583
Brandon . . . . .	27,123	Melbourne . . . . .	34,970 2 0
Bristol . . . . .	4,458	Milton . . . . .	27,199
Brome . . . . .	49,460 2 28	Nelson . . . . .	37,360
Brompton . . . . .	41,232 2 20	Newport . . . . .	27,875
Broughton . . . . .	33,600	Newton . . . . .	14,019
Buckingham . . . . .	32,976 2 0	Onslow . . . . .	14 892
Buckland . . . . .	16,170	Orford . . . . .	28,177
Bulstrode . . . . .	27,517	Ottawa, Island in . . .	11
Bury . . . . .	11,000	Potton . . . . .	42,452
Chatham . . . . .	58,034	Rawdon . . . . .	33,700
Chester . . . . .	42,695	Roxton . . . . .	33,015
Clarendon . . . . .	13,676	Seitrington . . . . .	13,000
Clifton . . . . .	42,254	Shefford . . . . .	37,244 2 1
Clinton . . . . .	13,000	Sherrington . . . . .	33,609
Compton . . . . .	42,836 2 25	Shenley . . . . .	27,756 2 32
Cranbourne . . . . .	8,606	Shipton . . . . .	62,049
Ditton . . . . .	11,000	Simpson . . . . .	45,131
Dorset . . . . .	54,291	Somerset . . . . .	36,890
Dudswell . . . . .	27,012	Stanbridge . . . . .	42,509 1 14
Dunham . . . . .	43,741 3 36	Standon . . . . .	8,075
Durham . . . . .	50,509	Stanfold . . . . .	30,963
Eardley . . . . .	10,474	Stanstead . . . . .	60,898 1 26
Eaton . . . . .	48,564 2 23	Stoke . . . . .	44,098
Ely . . . . .	36,956	Stoneham . . . . .	23,900
Farnham . . . . .	41,954	Stukely . . . . .	41,655
Frampton . . . . .	46,447	St. Thomas, Island in .	17 0 32
Gaspé Bay . . . . .	68 3 0	Sutton . . . . .	42,300
Godmanchester . . . .	63 848 2 25½	Temiscouata Portage .	106 2 0
Granby . . . . .	38,485	Templeton . . . . .	20,746
Grantham . . . . .	79,928	Teukesbury . . . . .	24,400
Grenville and Augmentation	28,393	Thetford . . . . .	22,000
Halifax . . . . .	35,763	Tingwick . . . . .	51,712
Ham . . . . .	13,400	Tring . . . . .	32,150
Hatley . . . . .	53,739 3 0	Upton and Augmentation	45,619
Hemmingford . . . . .	41,121	Ware . . . . .	11,390
Hereford . . . . .	22,000	Warwick . . . . .	32,784 1 13½
Hinchinbrook . . . . .	44,074 3 30	Weedon . . . . .	17,400
Hull . . . . .	39,047 2 16½	Wendover and Augment.	26,275 2 0
Hunterstown . . . . .	22,062	Wentworth . . . . .	15,433 1 13½
Inverness . . . . .	26,250	Westbury . . . . .	12,531
Ireland . . . . .	34,307	Wickham . . . . .	48,272
Ixworth . . . . .	8,133	Windsor . . . . .	52,692
Jersey . . . . .	5,455	Wolfstown . . . . .	20,987 0 32
Kennebec Road . . . .	1,350		
Carry forward . . . .	1,726,527 2 13	Total . . . . .	3,255,936 2 18

(Signed)

JOHN DAVIDSON.  
T. BOUTHILLIEU.

Enclosure 5 in No. 22.

LOWER CANADA. { RETURN showing the Quantity of Land reserved for the Support of a Protestant Clergy in the different Letters Patent, issued under the Great Seal of the Province, granting Lands to Individuals—from 1796 to 1838 inclusive.

Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year	Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.
1796	Dunham . . .	A. R. P. 8,179	8,179	1803	Clinton . . .	A. R. 2,000	A. R. P. 64,393 2
1727	Brome . . .	8,351 1 28		1805	Bulstrode . . .	4,597	
	Potton . . .	1,200			Kingey . . .	2,081 2	
	Bolton . . .	12,524 1 5			Hemmingford . . .	1,171	
1798	Farnham . . .	4,600	22,075 2 33		Kildare . . .	2,400	64,393 2
	Magdalen Islands.	8,143			Clifton . . .	5,765 2	
1799	Hinchinbrook . .	1,080	12,743		Potton . . .	5,993 2	
	Hemmingford . .	4,400			Newport . . .	2,400	
	Clifton . . .	2,400			Stanstead . . .	173	
	Armagh . . .	480		1804	Eaton . . .	1,000	32,574
	Rawdon . . .	380			Tingwick . . .	4,400	
	Chatham . . .	380			Warwick . . .	4,600	
	Buckingham . .	400			Westbury . . .	2,273	
	Dorset . . .	10,200			Hemmingford . .	421	
1800	Stoneham . . .	4,800	19,780		Nelson . . .	7,761	
	Grantham . . .	5,251			Somerset . . .	7,669	
	Hunterstown . .	4,400			Windsor . . .	50	
	Upton . . .	4,800			Tring . . .	4,400	
	Tewkesbury . .	5,000		1805	Barneton . . .	200	22,444
	Stanstead . . .	5,413			Rawdon . . .	400	
	Broughton . . .	4,400			Kingsey . . .	2,114	
	Stukely . . .	4,400			Hatley . . .	400	
	Hereford . . .	4,400			Newton . . .	2,486	
	Eaton . . .	5,200			Onslow . . .	200	
1801	Shefford . . .	6,800	48,064		Melbourne . . .	4,813	
	Barnston . . .	4,400			Chester . . .	2,200	
	Orford . . .	2,400			Dudswell . . .	2,365	
	Newport . . .	24,000			Wendover . . .	2,166	
	Stanbridge . . .	7,800			Halifax . . .	2,400	
	Brompton . . .	8,000			Durham . . .	1,300	
	Shipton . . .	11,600			Stanstead . . .	600	
1802	Thetford . . .	4,400	43,000		Farnham . . .	800	
	Arthabaska . . .	2,000		1806	Hull . . .	2,690	24,347
	Barford . . .	5,400			Aukland . . .	4,400	
	Stoke . . .	8,541			Aston . . .	5,322	
	Sutton . . .	7,600			Frampton . . .	2,200	
	Windsor . . .	10,200			Acton . . .	4,876	
	Chester . . .	2,200			Granby . . .	200	
	Simpson . . .	8,161			Milton . . .	113	
	Halifax . . .	2,200	75,525		Simpson . . .	50	17,149
	Inverness . . .	2,200			Eardley . . .	1,278	
	Wolfstown . . .	2,200			Buckland . . .	2,418	
	Leeds . . .	2,400			Chatham . . .	800	
	Ireland . . .	2,200		1807	Lingwick . . .	3,000	
	Durham . . .	4,106			Lochaber . . .	3,024	
	Compton . . .	5,000			Templeton . . .	1,841	
	Wickham . . .	4,317			Stanfold . . .	4,884	
	Ely . . .	2,200			Ham . . .	4,400	
	Ixworth . . .	200		1808	Grenville . . .	200	7,369
1803	Roxton . . .	4,800	75,525		Ham . . .	200	
	Granby . . .	7,597			Frampton . . .	2,359	
	Ditton . . .	2,200			Onslow . . .	2,367	
	Buckingham . .	2,845			Maddington . .	1,737	
	Milton . . .	5,993			Windsor . . .	100	
	Ascot . . .	2,747			Simpson . . .	300	
	Bury . . .	2,200			Somerset . . .	56	
	Hatley . . .	9,430			Nelson . . .	50	
				1809	Framton . . .	1,800	



Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.	Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.
1809	Upton . . . .	141	11,117	1819	Chester . . . .	200	2,217
	Sherrington . . .	5,606			Leeds . . . .	240	
	Wentworth . . .	2,400			Shenley . . . .	240	
	Templeton . . .	1,160			Wickham . . . .	120	
1810	Stanstead . . . .	4,712			Wendover . . . .	40	
	Barnston . . . .	3,006			Grantham . . . .	66	
	Compton . . . .	2,690			Simpson . . . .	28	
	Shenley . . . .	1,887			Ely . . . .	840	
	Shipton . . . .	25			Kingsey . . . .	208	
	Potton . . . .	25			Hatley . . . .	235	
	Grenville . . . .	200	1820	Ashford . . . .	20	252	
1811	Ely . . . .	100		Grenville . . . .	40		
	Newton . . . .	182		Stoneham . . . .	40		
	Barnston . . . .	600		Wickham . . . .	82		
	Inverness . . . .	100		Wendover . . . .	70		
	Kingsey . . . .	300	1821	Leeds . . . .	40	450	
	Ham . . . .	200		Ashford . . . .	250		
	Hemmingford . . .	506		Halifax . . . .	160		
	Shefford . . . .	4,250	1822	Weedon . . . .	2,500	14,224	
1812	Chatham . . . .	5,400		Frampton . . . .	420		
	Leeds . . . .	1,200		Ireland . . . .	100		
	Eaton . . . .	25		Grenville . . . .	816		
	Sherrington . . .	1,200		Grantham . . . .	2,220		
1814	Shefford . . . .	1,881		Wendover . . . .	180		
	Durham . . . .	250		Wickham . . . .	3,859		
	Kingsey . . . .	200		Upton . . . .	80		
	Leeds . . . .	100		Settrington . . .	3,189		
	Hemmingford . . .	639		Hull . . . .	240		
	Ascot . . . .	35		Leeds . . . .	40		
	Wendover . . . .	65		Dudswell . . . .	20		
	Tingwick . . . .	900		Kildare . . . .	560		
1815	Durham . . . .	2,757	1823	Upton . . . .	120	9,157	
	Eaton . . . .	500		Grantham . . . .	40		
	Grantham . . . .	5,000		Blandford . . . .	5,703		
1816	Grantham . . . .	341		Weedon . . . .	100		
	Stukely . . . .	3,100		Ireland . . . .	80		
	Ely . . . .	2,200		Kingsey . . . .	160		
	Ixworth . . . .	1,300		Eaton . . . .	400		
	Wendover . . . .	104		Barnston . . . .	120		
	Ascot . . . .	1,160		Lochaber . . . .	389		
	Roxton . . . .	2,316		Dudswell . . . .	600		
				Frampton . . . .	160		
1817	Clifton . . . .	120		Rawdon . . . .	220		
	Potton . . . .	1,900		Grenville . . . .	600		
	Sutton . . . .	900		Chester . . . .	150		
	Kingsey . . . .	200		Inverness . . . .	160		
	Frampton . . . .	240		Wendover . . . .	155		
	Melbourne . . . .	680	1824	Hamilton . . . .	3,000	10,963	
	Ireland . . . .	40		Kingsey . . . .	120		
	Grenville . . . .	40		Hull . . . .	1,090		
	Tingwick . . . .	1,400		Matane . . . .	1,273		
1818	Melbourne . . . .	140		Blandford . . . .	1,518		
	Roxton . . . .	812		Ascot . . . .	1,040		
	Milton . . . .	40		Hatley . . . .	60		
	Granby . . . .	40		Aston . . . .	174		
	Eaton . . . .	40		Eardley . . . .	300		
	Tingwick . . . .	941		Grenville . . . .	40		
	Ascot . . . .	652		Farnham . . . .	260		
	Orford . . . .	53		Kildare . . . .	522		
	Hatley . . . .	400		Broughton . . . .	360		
	Wendover . . . .	40		Rawdon . . . .	40		
				Leeds . . . .	268		
				Ireland . . . .	658		
				Chester . . . .	210		

Year.	Township.	Number of Acres reserved in each Township	Total Number of Acres reserved in each Year.	Years.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved each Year.
		A. R. P.	A. R. P.			A. R. P.	A. R. P.
1825	Kildare . . . .	40	397		Ireland . . . .	220	14,034 1 24
	Rawdon . . . .	60			Inverness . . . .	78	
	Inverness . . . .	100			Hull . . . . .	480	
	Leeds . . . . .	160			Onslow . . . . .	40	
	Grantham . . . .	37			Wolfstown . . . .	360	
1826	Frampton . . . .	240	720		Acton . . . . .	432	
	Inverness . . . .	40			Maddington . . . .	100	
	Leeds . . . . .	40			Upton . . . . .	160	
	Ascot . . . . .	400			Broughton . . . . .	100	
					Newport . . . . .	40	
1827	Brandon . . . . .	1,860	7,467		Tingwick . . . . .	180	
	Hatley . . . . .	200			Warwick . . . . .	320	
	Farnham . . . . .	220			Hatley . . . . .	270	
	Stukely . . . . .	190			Leeds . . . . .	212	
	Grenville . . . . .	200			Stoneham . . . . .	120	
	Rawdon . . . . .	40			Kingsey . . . . .	40	
	Kildare . . . . .	40			Halifax . . . . .	580	
	Acton . . . . .	106			Aston . . . . .	200	
	Ham . . . . .	1,800			Granby . . . . .	80	
	Templeton . . . .	121			Buckingham . . . .	720	
	Hull . . . . .	2,706			Lochaber . . . . .	155	
	Frampton . . . . .	20			Eaton . . . . .	220	
1828	Hallifax . . . . .	160			Ascot . . . . .	468	
	Chester . . . . .	160			Brandon . . . . .	400	
	Kildare . . . . .	120			Ham . . . . .	726	
	Rawdon . . . . .	60			Rawdon . . . . .	582	
	Hatley . . . . .	80			Roxton . . . . .	320	
	Dudswell . . . . .	160			Grantham . . . . .	180	
	Acton . . . . .	369			Wickham . . . . .	340	
	Inverness . . . . .	90			Kildare . . . . .	338	
	Stoneham . . . . .	40			Eardly . . . . .	20	
	Granby . . . . .	240	6,233 2	1832	Tewkesbury . . . .	80	14,034 1 24
	Milton . . . . .	200			Bulstrode . . . . .	18	
	Ham . . . . .	304 2			Wentworth . . . . .	160	
	Grantham . . . . .	40			Hull . . . . .	160	
	Grenville . . . . .	40			Wendover . . . . .	40	
	Armagh . . . . .	4			Acton . . . . .	80	
	Upton . . . . .	1,550			Dudswell . . . . .	180	
	Tingwick . . . . .	850			Chester . . . . .	60	
	Brandon . . . . .	340			Buckingham . . . .	200	
	Wendover . . . . .	60			Upton . . . . .	220	
	Ireland . . . . .	560			Lochaber . . . . .	410	
	Frampton . . . . .	440			Hatley . . . . .	180	
	Leeds . . . . .	266			Granby . . . . .	100	
	Kingsey . . . . .	100			Milton . . . . .	200	
1829	Hinchinbrooke . .	40	1,528		Kingsey . . . . .	344	
	Frampton . . . . .	420			Broughton . . . . .	481	
	Jersey . . . . .	1,068			Cly . . . . .	260	
1830	Ham . . . . .	1,165			Roxton . . . . .	180	
	Inverness . . . . .	120			Kildare . . . . .	400	
	Ireland . . . . .	240	5,720		Stanfold . . . . .	264	
	Leeds . . . . .	50			Wolfstown . . . . .	100	
	Hereford . . . . .	240			Kilkenny . . . . .	1,620	
	Hatley . . . . .	1,150			Ascot . . . . .	20	
	Orford . . . . .	182			Halfax . . . . .	120	
	Ascot . . . . .	1,016			Grantham . . . . .	453	
	Acton . . . . .	680			Eaton . . . . .	160	
	Roxton . . . . .	320			Rawdon . . . . .	960	
	Maddington . . . .	57			Hemmingford . . . .	112	
	Chester . . . . .	500			Inverness . . . . .	830	
1831	Frampton . . . . .	1,417			Leeds . . . . .	680	
	Shenley . . . . .	3,148 1 24			Brandon . . . . .	2,040	
	Standon . . . . .	430			Wickham . . . . .	552	
	Dudswell . . . . .	180			Newport . . . . .	200	
	Chester . . . . .	326			Grenville . . . . .	1,410	
	Templeton . . . . .	58			Templeton . . . . .	380	
					Tingwick . . . . .	160	
					Ham . . . . .	7,667	
					Ireland . . . . .	1,140	
					Nelson . . . . .	40	



Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.	Year.	Township.	Number of Acres reserved in each Township.	Total Number of Acres reserved in each Year.
1832	Melbourne . . .	70	23,437	1835	Ham . . . . .	833	9,189
	Frampton . . .	20			Rawdon . . . .	840	
	Eardley . . . .	40			Wolfstown . . .	240	
	Onslow . . . .	20			Ireland . . . .	340	
	Stukely . . . .	40			Halifax . . . .	320	
	Cranbourne . .	194			Bristol . . . .	203	
	Barnston . . .	40			Cranbourne . .	300	
Standon . . . .	332	Hull . . . . .	20	Matane . . . .	332		
1833	Stukely . . . .	105	11,297	Tingwick . . . .	160	23,826 2	
	Eardley . . . .	418		Granby . . . .	20		
	Hull . . . . .	80		Kingsey . . . .	230		
	La Valtrie Tract .	400		Standon . . . .	459		
	Wickham . . . .	20		Stoke . . . . .	80		
	Cranbourne . . .	578		Maddington . . .	60		
	Bucklandt . . . .	644		Wendover . . . .	640		
	Dudewell . . . .	260		Warwick . . . .	640		
	Leeds . . . . .	110		Grantham . . . .	220		
	Templeton . . .	108		Lochaber . . . .	1,337		
	Granby . . . . .	120		Broughton . . . .	80		
	Warwick . . . .	40		Ham . . . . .	1,045		
	Acton . . . . .	40		Weedon . . . .	260		
	Ixworth . . . .	40		Buckingham . . .	434		
	Clarendon . . .	470		Kildare . . . .	22		
	Upton . . . . .	1,644		Milton . . . . .	100		
	Halifax . . . .	146		Wickham . . . .	100		
	Inverness . . .	100		Templeton . . .	60		
	Grantham . . . .	20		Ely . . . . .	975		
	Kilkenny . . . .	280		Clarendon . . . .	1,696		
	Eaton . . . . .	180		Aston . . . . .	160		
	Barnston . . . .	40		Standfold . . . .	262		
	Wendover . . . .	64		Dudswell . . . .	220		
	Roxton . . . . .	80		Newport . . . .	635		
	Brandon . . . .	320		Eaton . . . . .	500		
	Hatley . . . . .	180		Frampton . . . .	260		
	Wolfstown . . .	400		Acton . . . . .	520		
	Kingsey . . . .	120		Grenville . . . .	640		
	Kildare . . . .	105		Roxton . . . . .	320		
	Ham . . . . .	2,050		Chester . . . .	700		
	Rawdon . . . .	440		Thetford . . . .	1,297		
	Grenville . . . .	490		Brandon . . . .	20		
	Lochaber . . . .	40		Tring . . . . .	600		
	Buckingham . . .	240		Wolfstown . . .	100		
	Ireland . . . .	400		Inverness . . . .	360		
	Tingwick . . . .	230		Ireland . . . .	480		
	Ashford . . . .	200		Leeds . . . . .	665		
Stoneham . . . .	20	Rawdon . . . .	1,720				
Maddington . . .	80	Halifax . . . .	826				
1804	Stukely . . . .	25	11,297	1836	Bristol . . . .	1,649 3 8	23,826 2
	Acton . . . . .	100			Kilkenny . . . .	560	
	Brandon . . . .	20			Hatley . . . . .	340 2 32	
	Frampton . . . .	340			Lichfield . . . .	263	
	Dudswell . . . .	860			Hull . . . . .	300	
	Templeton . . .	120			Cranbourne . . .	280	
	Maddington . . .	520			Ware . . . . .	1,344	
	Kildare . . . .	5			Ixworth . . . .	80	
	Tring . . . . .	440			Barnston . . . .	10	
	Chester . . . .	220			Stukeley . . . .	30	
	Lichfield . . . .	168			Onslow . . . .	66	
	Clarendon . . .	180			Acton . . . . .	80	
	Buckingham . . .	1,260			Dudswell . . . .	500	
	Stanfold . . . .	40			Hull . . . . .	97	
	Thetford . . . .	20			Warwick . . . .	160	
	Roxton . . . . .	243			Chester . . . .	200	
	Hatley . . . . .	20			Wendover . . . .	472	
	Grenville . . . .	180			Newport . . . .	100	
	Leeds . . . . .	216			Wickham . . . .	20	
Ely . . . . .	160	Cranbourne . . .	180				
Inverness . . . .	360	Maddington . . .	233				
Kilkenny . . . .	264						

Year.	Township.	Number of Acres reserved in each Township.	Number of Acres reserved in each Year.	Year.	Township.	Number of Acres reserved in each Township.	Number of Acres reserved in each Year.
1836		A. R. P.	18,412.3.7	1837	Chester . . .	A. R. P.	11,077.0.10
	Roxton . . .	280			Broughton . . .	360	
	Buckland . . .	189			Ham . . .	560	
	Tring . . .	200			Thetford . . .	18	
	Clarendon . . .	253			Bristol . . .	2,292.0.16	
	Kilkenny . . .	259.2			Rawdon . . .	315.1.29	
	Onslow . . .	120			Buckingham . . .	340	
	Bulstrode . . .	40			Dudswell . . .	1,200.0.39	
	Jersey . . .	20			Onslow . . .	80	
	Leeds . . .	160			Eaton . . .	28.3.0	
	Broughton . . .	20			Wickham . . .	10	
	Inverness . . .	100			Kingsey . . .	332	
	Grenville . . .	210.0.16		Standon . . .	20		
	Ireland . . .	180		Hull . . .	389.0.22		
	Thetford . . .	3,056.1.37		Litchfield . . .	40		
	Ely . . .	40			122.1.24		
	Granby . . .	80		1838	Maria . . .	13.3	
	Lochaber . . .	340			Ashford . . .	200	
	Buckingham . . .	1,847.3.24			Ham . . .	20	
	Kildare . . .	20			Bristol . . .	21.3.19	
	Ashford . . .	20			Dudswell . . .	100	
	Ham . . .	140			Bulstrode . . .	256.1.24	
	Weedon . . .	560			Warwick . . .	489	
	Bristol . . .	2,614.0.31			Brandon . . .	365	
	Rawdon . . .	600			Wolfstown . . .	180	
	Aston . . .	336			Kilkenny . . .	200	
	Halifax . . .	20			Ely . . .	397	
	Upton . . .	133			Rawdon . . .	160	
	Litchfield . . .	133		Wentworth . . .	80		
	Ware . . .	934		Inverness . . .	100		
	Eaton . . .	1,250		Cranbourne . . .	145.2		
	Stoke . . .	20		Thetford . . .	1,843.3.10		
Kingsey . . .	380	Broughton . . .	860				
Orford . . .	480.1.28	Halifax . . .	380				
Eardley . . .	20	Grenville . . .	220				
Hatley . . .	1,243	Kildare . . .	140				
Compton . . .	11.0.31	Clarendon . . .	100				
Stukely . . .	60	Ireland . . .	145				
1837	Weedon . . .	140	18,412.3.7		Stanfold . . .	260	
	Clarendon . . .	40			Chester . . .	760	
	Grenville . . .	120			Tring . . .	410	
	Roxton . . .	120			Litchfield . . .	160	
	Maddington . . .	20			Hull . . .	70	
	Stanfold . . .	280			Buckingham . . .	1,259.1.15	
	Chatham . . .	40			Armagh . . .	202	
	Wentworth . . .	566			Orford . . .	80	
	Tring . . .	400			Kingsey . . .	170	
	Wolfstown . . .	580			Stukely . . .	20	
	Bulstrode . . .	514			Onslow . . .	45	
	Ely . . .	200			Templeton . . .	220	
	Warwick . . .	100			Buckland . . .	45	
	Wendover . . .	685			Lochaber . . .	20	
	Cranbourne . . .	40			Frampton . . .	215	
	Ireland . . .	120					
	Kilkenny . . .	24					
	Inverness . . .	400					
	Grantham . . .	20					
	Ashford . . .	560					
						Total . . . .	647,895.0.25



NUMBER of ACRES reserved for the Support of a Protestant Clergy in each Township.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 5.

Township.	Number of Acres.			Township.	Number of Acres.		
	A.	R.	P.		A.	R.	P.
Acton . . . . .	7,277			Brought forward .	343,686	2	24
Armagh . . . . .	686	2	0	Kilkenny . . . . .	3,207	2	0
Arthabaska . . . . .	2,000			Kingsey . . . . .	6,787	2	0
Ascot . . . . .	7,538			La Valtrie Tract . . . . .	400		
Ashford . . . . .	1,250			Leeds . . . . .	6,847		
Aston and Augmentation	6,192			Lingwick . . . . .	3,000		
Auckland . . . . .	4,400			Litchfield . . . . .	846	1	24
Barford . . . . .	5,400			Lochaber . . . . .	5,715		
Barnston . . . . .	8,416			Maddington . . . . .	2,807		
Blandford . . . . .	7,221			Magdalen Islands . . . . .	8,143		
Bolton . . . . .	12,524	1	5	Maria . . . . .	13	3	0
Brandon . . . . .	5,365			Matane . . . . .	1,605		
Bristol . . . . .	4,804	1	7	Melbourne . . . . .	5,703		
Brome . . . . .	8,351	2	28	Milton . . . . .	6,666		
Brompton . . . . .	8,000			Nelson . . . . .	7,851		
Broughton . . . . .	6,861			Newport . . . . .	5,375		
Buckingham . . . . .	10,406	2	11	Newton . . . . .	2,668		
Buckland . . . . .	3,296			Onslow . . . . .	2,886	3	0
Bulstrode . . . . .	5,425	1	24	Orford . . . . .	3,195	1	28
Bury . . . . .	2,200			Potton . . . . .	9,118	2	0
Chatham . . . . .	6,680			Rawdon . . . . .	6,842		
Chester . . . . .	8,270			Roxton . . . . .	9,791		
Clarendon . . . . .	2,739	2	0	Settrington . . . . .	3,189		
Clifton . . . . .	8,285	2	0	Shefford . . . . .	12,981		
Clinton . . . . .	2,000			Shenley . . . . .	5,275	1	24
Compton . . . . .	7,701	0	31	Sherrington . . . . .	6,806		
Cranbourne . . . . .	1,717	2	0	Shipton . . . . .	11,625		
Ditton . . . . .	2,200			Simpson . . . . .	8,539		
Dorset . . . . .	10,200			Somerset . . . . .	7,725		
Dudswell . . . . .	5,525			Stanbridge . . . . .	7,800		
Dunham . . . . .	8,179			Standon . . . . .	1,610	0	22
Durham . . . . .	8,413			Stanfold . . . . .	5,990		
Eardley . . . . .	2,076			Stanstead . . . . .	10,898		
Eaton . . . . .	9,485			Stoke . . . . .	8,641		
Ely . . . . .	7,372			Stoneham . . . . .	5,020		
Farnham . . . . .	7,680			Stukely . . . . .	7,935		
Frampton . . . . .	8,751			Sutton . . . . .	8,500		
Granby . . . . .	8,477			Templeton . . . . .	4,068		
Grantham . . . . .	13,888			Tewksbury . . . . .	5,080		
Grenville and Augmentation	4,446	0	6	Thetford . . . . .	12,909	1	23
Halifax . . . . .	7,312			Tingwick . . . . .	9,221		
Ham . . . . .	20,568	2		Tring . . . . .	6,450		
Hamilton . . . . .	3,000			Upton and Augmentation	8,848		
Hatley . . . . .	14,188	2	32	Ware . . . . .	2,278		
Heinmingford . . . . .	7,303			Warwick . . . . .	6,349		
Hereford . . . . .	4,640			Weedon . . . . .	3,560		
Hinchinbrooke . . . . .	1,120			Wendover & Augmentation	4,781		
Hull . . . . .	7,973			Wentworth . . . . .	3,206		
Hunterstown . . . . .	4,400			Westbury . . . . .	2,273		
Inverness . . . . .	5,138			Wickham . . . . .	9,742		
Ireland . . . . .	6,903			Windsor . . . . .	10,350		
Ixworth . . . . .	1,620			Wolfstown . . . . .	4,160		
Jersey . . . . .	1,088						
Kildare and Augmentation	4,712			Total . . . . .	647,895	0	25
Carry forward . . . . .	343,686	2	24				

(Signed) JOHN DAVIDSON.  
T. BOUTHILLIEU.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 17, 1839.  
Enclosure No. 6.

Enclosure 6 in No. 22.

	A.	R.	P.
It appears by the Returns transmitted herewith that the total number of acres of Crown lands, granted and sold, and under patent to 31st December, 1838, amount to . . .	3,221,084	1	34
Total number of acres of clergy reserves sold, and under patent, to the same date, upon which it is conceived no appropriation for the clergy should have been made . . .	34,852	0	24
Total amount reserved for the clergy in all patents issued up to 31st December, 1838, including reservations on clergy lands sold . . . . .	647,895	0	25
One-seventh on the total amount of grants of Crown lands, as above, would amount to . . . . .	460,154	3	27
Leaving an excess of . . . . .	187,740	0	38

JOHN DAVIDSON,  
T. BOUTHILLIN.

Enclosure 7 in No. 22.

SIR,

Office of Crown Lands, Quebec, 13th June, 1839.

Enclosure No. 7.

In obedience to his Excellency's commands conveyed in your letter of the 28th February, and enclosing copy of a despatch from Her Majesty's Secretary of State, No. 45, relative to the clergy property in this province. We have the honour to enclose,

1st. A Return of the whole amount of acres included in the clergy reserves under patent on the 1st of July, 1829, when the sale of the clergy reserves first commenced, and the number of acres appropriated to the clergy by patent, in each subsequent year to 31st December, 1838.

2nd. A Return of the number of acres sold since 1827, showing the price at which they were offered, and that which they obtained so arranged, as to show the extent of the lots bought by each purchaser within the year.

To comply as far as it is in our power with that part of his Excellency's order for any further information or observations on the subject which we may be able to afford in elucidation. We have given the subject the best consideration in our power, and we shall proceed to lay before his Excellency all the information which can be collected from documents in the office, and any other sources within our reach.

We find by a letter from Mr. Secretary Cochran, of 21st July, 1828, written by order of Lord Dalhousie, that the sale of clergy reserves to be made under the authority of an Act of the Imperial Parliament, 7th and 8th Geo. 4, cap. 62, was confided to Mr. Felton, and an extract from a despatch which his Excellency had received from Mr. Huskisson, of 20th November, 1827, was communicated at the same time.

Mr. Felton appears after this to have placed himself in communication with the clergy corporation, but they do not appear to have at all agreed in their views of management or alienation. Sales commenced partially in 1829, and were so continued in 1830; during those years, although there is no record of such being the case, there is sufficient to induce a belief that each application to purchase clergy land was separately laid before the Governor for his approval. On the 28th April, 1831, however, that system, if it did previously obtain, ceased, and the following scheme was adopted by Lord Aylmer on Mr. Fielding's suggestion.

"The sale of clergy reservations to be governed by the general regulations adopted in the sale of Crown lands subject to the preliminary selection of a glebe of 400 acres in each township by the corporation; the price and the detailed statements of the lots to be exposed for sale, being in all cases submitted for his Excellency's approval. Purchasers of a smaller quantity than 100 acres to be allowed to hold the same upon the annual payment of the interest on the capital until the principal is paid, and to be allowed to pay by instalments benefiting by a proportionate reduction of quit rent or interest. Purchasers of a larger quantity than 100 acres to pay one instalment down, and the residue in three annual instalments without interest. Lessees of leased lots to be allowed to purchase the fee simple of the land upon payment of the value of the same as approved by his Lordship, such value not to be less than 20 years' purchase of the rent, and all arrears of rent being paid up to the end of the half-year preceding the sale. In case of large arrears being due, the purchaser may be allowed to add the same to the purchase, and to pay the whole by instalments, or by interest upon the whole until he can pay, as in the case of the purchaser of 100 acres, not more than one-half of the reserves in any township, to be sold without a special authority



from his Lordship, to be applied for by the Commissioner as soon as the first half is disposed of. A communication to be made to the corporation of this determination."

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Sir John Colborne  
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Normanby.

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The foregoing arrangement was accordingly communicated to the clergy corporation by Lord Aylmer. They remonstrated, but finally withheld their objections as appears by the following extract of a letter from Archdeacon Mountain, of 18th May, 1831, to Colonel Glegg. "His Excellency, however, having intimated at the same time the decided importance which he attaches to the measure of assimilating in all points the mode of conducting the sale of clergy reserves to that pursued in the disposal of those of the Crown. I should feel myself in a very painful situation if I were to oppose impediments to the views of his Excellency, and nothing could induce me to do so but the apprehension, in my humble judgment of serious effects upon the interest of the church. Actuated by these dispositions, I now beg leave to inform you that it is not my purpose to avail myself of his Excellency's permission, by soliciting the attention of my brethren of the clergy to any question relating to the mode of sale; but I venture to hope that, as it respects the reservation from sale of some particular lots considered to be adapted for glebe, or for the purpose of endowment, his Excellency is not indisposed to accede to the representation made in my letter to yourself of the 13th instant."

Previous to commencing the detail of instructions to sell clergy lands, it may not be out of place to observe, that from the tenor of Lord Goderich's despatch of 21st November, 1831, which was communicated to both Houses of Provincial Legislature in 1832, there is reasonable ground to assume that the system sanctioned by Lord Aylmer, was not only approved of in England, but that the Government meant by reinvesting the clergy reserves in the Crown to do away with the clergy reservation altogether, and a feeling of such being the disposition of the Secretary of State for the Colonies, may possibly have rendered Mr. Felton less particular in submitting lists of clergy lands for sale, and in disposing of them in larger quantities than he might otherwise have been.

From 1831 to 1836, inclusive lists of the clergy lands recommended by Mr. Felton to be offered at public sale, and the upset prices at which they were to be offered have been submitted by him, and when approved of by the Governor, publicly advertized in the official Gazette and other papers; and lists of lessees and persons claiming preemption under the provisions of Lord Aylmer's instruction of 28th April, 1831, have been from time to time laid before the Governor, and when approved of, acted upon. The first printed list of clergy reserves for public sale is dated 31st July, 1831, upon a schedule which had been submitted by Mr. Felton to Lord Aylmer, and approved of by him on the 26th of July; it authorizes sales for 1831-2.

The second Instruction is of 13th September, 1832, by that Lord Aylmer authorizes Mr. Felton to circulate the usual advertisement, and continue the sale of lots remaining from last year's list.

The third is of the 3d July, 1834, by which Lord Aylmer approves a list dated 26th May, 1834, on prices submitted to him on the preceding 10th of April, and appears in the Official Gazette of 26th May, 1834.

The fourth is of the 1st May, 1835, by which Lord Aylmer approves of a list on prices submitted to him on the 30th of April, which list appears in the Official Gazette of 11th June, 1835.

The fifth and last Instruction is a list of Crown and clergy lands to be offered at public sale for 1836-7, submitted by Mr. Felton to Lord Gosford on the 26th July, 1836, and approved of by his Lordship on the same day, and transmitted by Mr. Felton to the different agencies on the 1st of August following. The foregoing lists appear to be all the Instructions which relate to the disposal of clergy reservations by public sale, and to have been duly published and circulated.

On the 11th of August, 1836, Mr. Davidson received the Earl of Gosford's commands, dated 6th of August, directing him to perform until further orders the several duties attached to Mr. Felton's office, in conformity with the Instructions which had from time to time been given to Mr. Felton, whether the same emanated from the Home or the Local Government, and in the disposal of Crown and clergy lands, he appears to have governed himself during his temporary charge, as directed by these Instructions.

On the 1st of October, 1837, when our appointment of Commissioners of Crown Lands took effect, Lord Gosford's list of 26th July, 1836, then posted in the office as the selling list was adopted as exhibiting a sufficient quantity of Crown and clergy lands undisposed of, to meet any probable demand; and this list was considered by us as the selling list, until all sales were stopped under Lord Durham's proclamation of 18th June, 1838, being the same that was produced to Mr. Hanson during the last summer. No order having since been given to us to commence sales, we have not felt ourselves called upon to prepare a new one, or to ask for authority to continue under that of 26th July, 1836.

It may not be irrelevant here to observe that, although there have been some applications to purchase, no sales have been made since October, 1837, which we conceive to be attributable partly to the change in the mode of payment, from  $\frac{1}{4}$  down to the whole amount, and partly to the disturbed state of the province since that time.

We presume that Mr. Felton must have prepared the lists of Crown and clergy lands, which he recommended to be offered at public sale, from private notes, as we find no trace either through the correspondence or otherwise of the process by which he arrived at the

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sep. 17, 1839.  
—  
Enclosure No. 7.

quantity required to meet the current demand, or of the means resorted to for the purpose of estimating the value to be fixed to them respectively for an upset price. In making the present search, we have been led to examine the evidence taken at Toronto during the last summer by the Commissioners of Crown Lands and Emigration, printed at Quebec by the Queen's printer, with a view to learn the manner in which the Act of the Imperial Parliament relating to clergy lands, had been carried out in that province, and so far as it is possible for us to form an opinion from the evidence of Mr. Radenhurst at page 10, (English 100), Mr. Thornhill, at 25, (English 107), and Mr. Sullivan, at 32, 33, (English 110), and from the Return No. 1, in the Appendix, it would appear that in Upper Canada they acted upon an assumption that the clergy reservation, specified and unspecified, would amount to 2,400,000 acres, and did not confine themselves to the land legally set apart for clergy reserves: indeed Mr. Thornhill states that 157,000 acres had not been surveyed. Allowing the same latitude to Mr. Felton in the Lower Province, he may have satisfied himself from calculation, that the clergy reservation to accrue from the grantable part of the province could be estimated at 1,500,000 acres, and in the opinion of the Surveyor-general, such an estimation can be borne out.

By way of elucidation, and in the absence of positive data, we have referred to Returns given by Mr. Felton, which appear in the printed Reports of the Commissioners on grievances complained of in Lower Canada, Lord Gosford being one of the Commissioners, and we have prepared the following summary from those Returns; taking it for granted that Lord Aylmer and Lord Gosford, when requested to authorize the sale of the clergy property, under an Act of Parliament, will have called upon Mr. Felton for the grounds on which he founded his requisitions to them, viz:—

	Waste.	Clergy.
Clergy lands sold by him between July, 1829, and December, 1835 . . . . .		255,179
Clergy reserves in the surveyed districts, as reported to the Commissioners, 26th December, 1835 . . . . .		568,099
Waste unsurveyed lands in a Return furnished at the same time . . . . .	408,916	
An estimate of waste lands in a Return of same date, not including lands in the disputed territory . . . . .	3,108,000	
	One-seventh of	502,416
To be set apart for the sale to the B. A. L. Company . . . . .		106,800
	Acres	<u>432,494</u>

If the foregoing mode of estimation is admitted, the fourth would amount to 358,123 acres, being nearly 49,000 acres more than sufficient to cover 309,554 acres sold.

As respects the purchases of clergy reserves, exceeding 200 acres, they may be divided into the following classes:—

Those who availed themselves of the opportunity afforded to purchase the clergy reserves chequered within the tracts granted to them.

The British American Land Company, and others who, having purchased large tracts from individuals to whom they had been granted, bought the clergy lands within them to complete their property.

The British American Land Company, and others not so circumstanced, who purchased with a view to sell again as a matter of speculation.

It is believed that the purchases made by the three latter classes are nearly in the state in which they were when sold.

As respects the relative prices obtained for the Crown and clergy lands sold, those of the Crown average 3s. 4½d. per acre: those of the clergy 4s. 8½d. per acre.

The duties which had hitherto been performed by the auditor of land patents between the years 1792 and October 1837 devolved on this office in consequence of regulations established by Lord Gosford for that purpose; and for the future discharge of that branch of the land-granting department, with confidence in its correctness, it became necessary to ascertain the actual state of each township from the mass of documents handed over.

To effect this a set of books was prepared, in which a separate account has been opened for each township, and an entry made for every lot on the official diagram, opposite to which are the grants made.

This long and laborious undertaking being just now brought to a close, under the more immediate superintendence of Mr. Bouthillier, and the whole carefully compared with the original letters patent of record in the office of the provincial secretary and registrar, we have it now in our power to proceed with certainty in the audit of land patents, and correctly to state the amount of acres granted under patent, and the proportion appropriated by patent for the support of a Protestant clergy.

The latter forms a separate return, which accompanies this letter, showing an excess of appropriation, in favour of the clergy, amounting to 187,740 acres over and above the amount required by Act of Parliament: and that, after deducting the number of acres of clergy land sold, and the excess of appropriation, there will remain, as the property of that body, on the 1st of January, 1839, 150,601 acres.

We have had occasion to remark that, recently, in Upper Canada, a Bill has been agreed



to by the two Houses of Provincial Legislature in that province for the repeal of so much of the Act 31 Geo. III., cap. 31, as relates to clergy reserves.

That Bill appears to have been introduced and framed upon a message from his Excellency, when lieutenant-governor of that province, in 1832. which is supposed to have been made under the general terms conveyed in Lord Goderich's despatch of 21st November, 1831, as messages to the same purport were sent by Lord Aylmer on the 26th January and 1st February, 1832, to the two Houses of Provincial Legislature in this province, and a Bill introduced at the time by the Solicitor-General in conformity, and which, having been postponed at the third reading to the ensuing Session, was not afterwards taken up.

By the provisions contained in the Upper Canada Bill, the difficulties alluded to in Lord Glenelg's despatch, No. 45, will be effectually met, for all sales of clergy lands are confirmed, and the madagement of the whole is proposed to be the same as that adopted for the Crown lands.

We very respectfully beg leave to express our hope that his Excellency will see fit to adopt some similar legislative provision, or cause some measure to be framed which will do away with the necessity of making a specific reservation for the clergy in each patent as it is now required, even in cases of sales of clergy reserves, the practice being attended with great detail, and requiring, as it does in many instances, fractional calculations, tends to multiply the chances of occasional error in the patents.

We have, &c.

(Signed)

JOHN DAVIDSON.  
T. BOUTHILLIER.

No. 22.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sep. 17, 1839.

Enclosure No. 7.

Enclosure 8 in No. 22.

SIR,

Three Rivers, 13th September, 1839.

I HAVE the honour to acknowledge having received your letter of the 17th June last, enclosing the returns furnished by the Commissioners of Crown Lands, in conformity with the despatch from the Secretary of State for the Colonies (No. 45, dated 25th January, 1839), relative to the sale of clergy reserved lands in this province, whereby you request me, at my earliest convenience, to report my opinion on that portion of the despatch which relates to the neglect of the provisions of the Imperial Act, 7th and 8th Geo. 4, cap. 62, in regard to the sale of the clergy reserves. That despatch having set forth that, contrary to the terms of that Act, upwards of 111,000 acres of the clergy reserves in this province had been sold by Mr. Felton in one year, and that, in the whole, more than three-sevenths of the reserves had been sold, requires that information should be furnished as to those on whom is chargeable the neglect of the provisions of the said Act 7th and 8th Geo. 4, cap. 62, and that the opinion of the law officers of the Crown, in this province, should be called for on the questions whether such neglect invalidates the title of the purchasers to any portion of the clergy reserves alleged to have been illegally sold, and whether it is now in the power of the executive government to take any steps for redressing that illegality.

Enclosure No. 8.

In obedience to the commands of his Excellency the governor-general, by which those questions were referred to me, I have now the honour of reporting for his Excellency's information, that I have duly considered the subject, and I am humbly of opinion that, under the circumstances of the case, it is more than doubtful whether the neglect of the provincial authorities to conform to the provisions of the said Act of Parliament would, in the judgment of a provincial court, constitute a sufficient ground, as against the grantees or purchasers, for a valuable consideration who acquired the lands in good faith, ignorant of the fact of the excess in the quantity of land exposed to sale, and who acted without fraud, deceit, or false suggestion, or as against their heirs or assigns for annulling and setting aside the sales of such an extent of the reserved lands as was alienated against the authority of the Act. I conceive that it is not in the power of the executive government to take any steps for counteracting or removing the effects which have resulted from the excessive alienation of the clergy reserves, so as to recover possession of such excess.

I have, &c.

Major Goldie,  
Secretary, &c., Montreal.

(Signed) C. R. OGDEN, Attorney-General.

No. 23.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sep. 27, 1839.

(No. 117.)

No. 23.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Montreal, 27th September, 1839.

I HAVE the honour to transmit to your Lordship the accompanying copy of a letter from Sir George Arthur, and my reply to it, relative to the state of these provinces.

I have authorized the continuance of the services of the detached companies of embodied militia on the St. Lawrence and on the Niagara frontier for six months longer.

You will perceive, however, from my communication, that, although I think it necessary, under existing circumstances, to be vigilant in protecting the frontier from insult, I am persuaded that there is no cause for apprehending that the American brigands are organized in sufficient force to renew their attempts to disturb the province, or that the disaffected are prepared to encourage them.

I receive, however, occasionally, reports from New York and from some of the large towns in Vermont, that the patriots are actively employed in conveying arms towards the frontier, but I have no reason to believe that this information is correct, nor has any fact been stated to corroborate the reports of further movements being intended by the organized patriots.

I have, &amp;c.

The Marquis of Normanby,  
&c. &c. &c.

(Signed) J. COLBORNE.

(Extract.)

Enclosure 1 in No. 23.

SIR,

Government House, Toronto, 21st September, 1839.

Enclosure No. 1.

I DO myself the honour to call your Excellency's attention to the circumstance that, on or about the 31st October next, the period for which the services of the militia and volunteer force named in the accompanying Return No. 1 were engaged will cease, and that some ACTION becomes necessary to be taken respecting it without delay.

The Return No. 2 exhibits the whole of the militia force embodied in this province.

To determine what force shall be kept up in Upper Canada, it is necessary not only to refer to the state of the American frontier, but, also, to the position of Upper Canada itself.

With respect to Lower Canada, your Excellency has, of course, abundant information of what may be expected there.

The accounts which I receive of the American frontier are very conflicting.

The feeling on the part of the Americans is undoubtedly still one of sympathy towards that class of persons who have represented themselves to be oppressed under British rule.

Numbers have emigrated from this province during the past year; and, whatever their real object may have been in leaving this province, I do not doubt they have accounted for it by dwelling upon the hardship of their case here.

Notwithstanding the amnesty that was proclaimed, many of the absentees have not availed themselves of it, but have remained in the adjacent states.

There has been an expression, and an appearance of more cordial feeling towards Her Majesty's subjects, but I do not think it has been sincere.

The patriot cause, and its offspring, the "Hunter's Lodges," have been, I understand, kept alive throughout the summer; and on any pretext of disturbance in Canada, thousands of the floating population, I have no doubt, would be disposed to cross over and give a helping hand. Most of the public works in the state of Michigan have been stopped, from the want of means, and great numbers of labourers will be out of employment and ready for any mischief.

The money market in the adjacent states is as bad as it can be, and all the banks are in extreme difficulty.

Under the Act of Congress, passed during the last session, a volunteer force has been raised which is represented to be considerable. The companies are armed and clothed, and drilled once every day, but the men receive no pay. The professed object of this force is to preserve peace by enforcing the neutrality laws, but I have no confidence in their professed intentions.

Your Excellency is aware that on the frontier Her Majesty's subjects have been kept in great excitement. The Episcopal Church at Chippewa, on the Niagara, was burnt last week, clearly the act of an incendiary from the United States.



It has just been reported to me, that Colonel Creighton's premises have also been destroyed by an incendiary. These circumstances seem to justify the statements made by "—" of the scheme of villany that was to be acted upon during the winter.

With regard to the American frontier, there is, in fact, just the same foreboding of mischief, which caused so much excitement last year.

Affairs in this province had, I thought, much mended until fresh agitation was produced on the High Commissioner's Report being generally made known. Since that time, those who took the most active part in the winter of 1837, appear to be re-animated upon the question of "Responsible Government," and no person can, I think, now venture to express a positive opinion upon the exact state of public feeling. Influenced by various motives, I have no doubt a change of the institutions of this country is ardently desired by many; and, in discussing "Responsible Government," it seems to me that a very considerable portion of the people regard their allegiance to Great Britain to be "an open question," on which they may give expression to their sentiments without any dangerous impeachment of their loyalty.

I not only hope, but indulge the expectation, that existing excitement and forebodings of worse things may pass away, but these and other considerations lead me to the conclusion that the militia force in Upper Canada should rather be augmented than decreased.

I have, &c.,  
(Signed) G. ARTHUR.

His Excellency Sir John Colborne, G.C.B.      &c.      &c.      &c.

No. 23.  
Sir John Colborne  
to the Marquis of  
Normanby.

Sept. 27, 1839.

Enclosure No. 1.

(Extract.)

Enclosure 2 in No. 23.

SIR,

Government House, Montreal, September, 1839.

Enclosure No. 2.

I HAVE had the honour to receive your letter of the 21st instant, in which you call my attention to the periods of service of the militia and volunteer force described in the returns forwarded for my speedy decision as to the number of corps which it may be considered necessary to keep embodied, with reference to the state of the American frontier, and also to the position of Upper Canada itself.

I have no hesitation in authorizing you to continue the services, for six months longer, of the whole of the companies of infantry stationed at Coteau du Lac, Prescott, Brockville, Kingston, Belleville, and on the Niagara frontier, named in the return No. 1, and any troops of cavalry whose services you may think are required on the frontier.

With respect to the tranquillity of the Lower Province, and the probability of its being again disturbed during the winter, I am persuaded, from the information which I constantly receive from every part of the province, that no attempt will be made by the Lower Canadians to rebel. The police are vigilant, and the population generally aware that the force in this district is sufficient to repress disturbances in the interior, or hostile movements on the frontier.

I frequently receive reports from New York, and from Burlington, and St. Albans, that an organization is still going on among the patriots, and that arms are passing up the Hudson for their service; but there are no facts mentioned in these reports to induce me to believe that there really are preparations for mischief either on the part of the refugees or of the patriots. I know that the refugees on this frontier are in great distress, and receive but scanty supplies from the Americans who are favourable to their cause. The habitants will not venture to take up arms again, except they see a large American force in Canada on the march to assist them; nor will the American patriots enter this province except they have proof of a successful revolt.

The force in Upper Canada, except in the townships on the St. Clair, is sufficient to deter the marauders from making any serious incursions.

The refugees and brigands will probably endeavour to keep up excitement during the winter by committing outrages and burning detached unprotected houses.

The numbers that are said to have emigrated may be as much exaggerated in Upper Canada as they are proved to have been in the Lower Province. Many families that are suspected of disloyalty, or are known to be traitors, and the rumours of public troubles, are so prevalent, that this state of affairs may account, I think, for the emigration of the past year. Reports of an attack on the frontier, on the 4th of July last, had been industriously circulated in every parish in Lower Canada; and some of the habitants on the Richelieu, who were persuaded that the American patriots were prepared to pass the border with the refugees, went into the state of Vermont to meet them; but the Americans recommended them to return, and assured them that they had neither the means nor the intention of affording them support. Responsible government being the convenient watchword of every rebel, that question has unfortunately already produced the serious evils of disunion among the loyal, and hope of future disturbances among the enemies of our institutions; but I trust that the prospects of the province may improve by the discussion of the question fully before the meeting of the provincial parliament; and that the friends of good order will have an opportunity of defining and explaining the degree of responsibility with which each public office is charged, and how far responsibility can be carried in a colony. If there should be serious disturbances in Upper Canada, all the vagabonds of the adjoining states would flock to the frontier and be ready to

No. 23.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.  
Enclosure No. 2.

enlist in any mischief; and the government of the United States would be as unable to prevent their incursions as they were last winter.  
The regular force in every district appears to me sufficient to repel any American force likely to be assembled, on any attempt of the revolutionary party in Canada. Except, therefore, it is evident that there is an organization going on extensively in Upper Canada, I see no cause for alarm or for apprehension that the brigands and refugees will be able to make preparations on a scale to give effectual support to the disaffected, or induce them to take up arms against the government.

I have, &c.,  
(Signed) J. COLBORNE.  
His Excellency Maj.-Gen. Sir George Arthur, K.C.H.,  
&c. &c. &c.

(No. 118.) No. 24.  
COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to the Marquis of NORMANBY.

No. 24.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.

MY LORD, Government House, Montreal, 27th Sept. 1839.  
I HAVE the honour to transmit to you the annexed list of prisoners convicted of high treason, under sentence of death, whose punishment has been commuted for transportation to Australia. These offenders left the Port of Montreal yesterday, and will be embarked without delay on board Her Majesty's ship Buffalo, now ready to sail from the port of Quebec. Your Lordship will perceive from the nominal list, that out of the whole number under sentence of death 58 will be transported to Australia on board the Buffalo, and 29 will receive conditional pardons. Dr. Brien, who was one of the prisoners pardoned, gave very important information respecting the persons engaged in the revolt, and Levesque, on account of his youth, will be liberated on condition of their quitting the province for ever; and 27 habitans who surrendered to officers on the promise of pardon being held out to them, or whose cases had been recommended to favourable consideration by the judges advocates, will be liberated on bail, and sent to their respective parishes. The convicts from Kingston, in Upper Canada, arrived early this morning, and have been forwarded to Quebec to be embarked on board the Buffalo.

I have, &c.  
(Signed) J. COLBORNE.  
The Marquis of Normanby,  
&c. &c.

Enclosure 1 in No. 24.

LIST of POLITICAL PRISONERS transported from Lower Canada.  
September, 1839.

Enclosure No. 1.

Names of Convicts.		Quality or Station.
1.	Jean Louis Thibert . . . . .	yeoman.
	Jean Marie Thibert . . . . .	"
	Léandre Ducharme . . . . .	clerk.
	Joseph Guimoud . . . . .	labourer.
	Louis Guerin, dit Dussault, alias Blanc Dussault . . . . .	baker.
	François Maurice Lepailleure . . . . .	bailiff.
	Charles Huot . . . . .	yeoman.
	Achille Morrin . . . . .	gentleman.
	Joseph Jacques Hebert . . . . .	labourer.
10.	Huber Drossin Leblanc . . . . .	yeoman.
	David Drossin Leblanc . . . . .	"
	Pierre Hector Morin . . . . .	gentleman.
	Joseph Paré . . . . .	yeoman.
	Pascal Pinsonneau . . . . .	"
	Theophile Robert . . . . .	"
	Jacques Longtin . . . . .	"
	Ignace Gabriel Chêvrefils . . . . .	"
	Joseph Dumouchelle . . . . .	"
	Louis Dumouchelle . . . . .	inn-keeper.



	Names of Convicts.	Quality or Station.
20.	Jacques Goyette . . . . .	yeoman.
	Toussaint Rochou . . . . .	bailliff.
	François Xavier Prieur . . . . .	merchant.
	Jean Laberge . . . . .	carpenter.
	François Xavier Touchette . . . . .	blacksmith.
	Pierre Lavoie . . . . .	yeoman.
	Antoine Coupal, dit Lareine . . . . .	"
	Théodore Béchard . . . . .	"
	François Bigonesse, dit Beaucaire . . . . .	"
	Joseph Marceau, dit Petit Jacques . . . . .	"
30.	Louis Turcot . . . . .	"
	Désiré Bourbonnois . . . . .	labourer.
	Charles Roy, dit Lapensee, père . . . . .	yeoman.
	François Xavier Prevost . . . . .	inn-keeper.
	André Papineau, dit Montigny . . . . .	blacksmith.
	David Gagnon . . . . .	yeoman.
	Louis Bourdon . . . . .	"
	Jean Baptiste Bousquet . . . . .	millier.
	François Guertin . . . . .	yeoman.
	Charles Guillaume Bouc . . . . .	"
40.	Edward Pascal Rochou . . . . .	carriage-maker.
	Louis Defaillette . . . . .	yeoman.
	Jacques David Hebert, alias David Jacques Hebert . . . . .	"
	Hypolite Lancot . . . . .	notary.
	Louis Pinsonneault . . . . .	yeoman.
	Béné Pinsonneault . . . . .	"
	Etienne Languedoc . . . . .	labourer.
	Etienne Langlois . . . . .	joiner.
	Moyse Longtin fils de Jacques . . . . .	yeoman.
	Michael Allary . . . . .	joiner.
50.	Joseph Goyette . . . . .	carpenter.
	Basile Roy . . . . .	yeoman.
	Joseph Roy, dit Lapensée, fils de Louis . . . . .	labourer.
	Constant Beusson . . . . .	bailliff.
	Charles Bergevin, dit Longevin, père . . . . .	yeoman.
	Jean Baptiste Trudelle . . . . .	labourer.
	Samuel Newcombe . . . . .	doctor.
	Jérémié Rochou . . . . .	wheelwright.
58.	Benjamin Mott . . . . .	yeoman.

No. 24.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839:  
—  
Enclosure No. 1.

Enclosure 2 in No. 24.

LIST of the NAMES of the STATE PRISONERS admitted to Bail.

Enclosure No. 2.

Antoine Coté . . . . .	Chateauguay.
Moses Dalton . . . . .	"
François Camyré . . . . .	St. Constant.
Jean Bte. Henri Brien . . . . .	St. Martin.
Joseph Roy . . . . .	Beauharnois.
Joseph Lecuyer . . . . .	Chateauguay.
François Trepanier . . . . .	St. Cyprien.
Louis Henault . . . . .	St. Clément.
Thomas Surprenant . . . . .	St. Phillippe.
Joseph Wathier, dit Lanoix . . . . .	Cèdres.
Léon Leclaire . . . . .	Terrebonne.
Antoine Roussin . . . . .	"
François St. Louis . . . . .	"
Paul Gravelle . . . . .	Isle Jesus.
François Surprenant . . . . .	St. Phillippe.
Michel Longtin . . . . .	Beauharnois.
Charles Rapin . . . . .	St. Timothé.
François Vallée . . . . .	St. Martin.
Joseph Cousineau . . . . .	St. Timothé.
Louis Julien . . . . .	"
François Dion . . . . .	"
David Dernas . . . . .	St. Cyprien.
Edouard Tremblay . . . . .	Beauharnois.
Antoine Charbonneau . . . . .	St. Timothé.

No. 24.  
Sir John Colborne  
to the Marquis of  
Normanby.  
Sept. 27, 1839.  
Enclosure No. 2.

Clovis Pattenaude . . . . .	St. Constant.
Phillippe Tremblay . . . . .	Beauharnois.
Benoni Verdon . . . . .	St. Edward.
Guillaume Levesque . . . . .	Montreal.
Charles Mandat . . . . .	St. Phillippé.

(No. 123.)

No. 25.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord JOHN RUSSELL.

No. 25.  
Sir John Colborne  
to Lord J. Russell.  
Oct. 15, 1839.

MY LORD, Government House, Montreal, 15th October, 1839.  
IN transmitting to you the accompanying copy of a report of the Execu-  
tive Council, respecting the number of prisoners convicted before the general  
court martial, which it might be deemed necessary to transport to Australia, I  
have the honour to state, that although the Council recommended that 15 only  
should not undergo the punishment of transportation, I considered it expedient to  
extend pardon to 29 persons, with reference to some favourable circumstances  
which appeared in their cases.

The Right Hon. Lord John Russell,	I have, &c.
&c. &c. &c.	(Signed) J. COLBORNE.

Enclosure.

Enclosure in No. 25.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., G.C.H., Governor-  
General, &c. &c. &c.

Report of a Committee of the whole Council :—Present, the Honourable Mr. Stewart in  
the chair, Mr. Cochran, Mr. Henry, Mr. Mondelet, Mr. Panet, Mr. Sheppard, Mr.  
Daly, the Commissary-General, Mr. Pothier, Mr. M'Gill, Mr. De Rocheblau, and Mr.  
Moffatt—on your Excellency's reference in Council of 3rd June, 1839, respecting the  
number of Prisoners convicted before the General Court-martial which it may be neces-  
sary to Transport.

May it please your Excellency,

THE committee having taken into consideration your Excellency's reference in council  
respecting the number of the prisoners convicted before the General Court-martial which it  
may be necessary to transport, with a view to the public good; and having carefully exa-  
mined the lists, and deliberated on the information laid before them, they are humbly of  
opinion, that the following individuals who are all under sentence of death, should be trans-  
ported to Australia, viz.—

- |   |                                   |
|---|-----------------------------------|
| Joseph L'Ecuyer                         | François Xavier Touchette         |
| Jean Louis Thibert                      | Pierre Lavoie                     |
| Jean Marie Thibert                      | Antoine Coupal, dit Lareine       |
| Leandre Ducharme                        | Theodore Bechard                  |
| Joseph Guimond                          | François Camyré                   |
| Louis Guerin, dit Dussault, alias Blanc | Francois Begonesse, dit Beaucaire |
| Dussault                                | Joseph Marceau, dit Petit-Jacques |
| François Maurice L ailleur              | Louis Tourcot                     |
| Charles Huot                            | Désiré Bourbonnois                |
| Achille Morin                           | Charles Roy, dit Lapensée, père   |
| Joseph Jacques Hebert                   | Francois Xavier Prévost           |
| Hubert Drossin Leblanc                  | André Papineau, dit Montigny      |
| David Drossin Leblanc                   | David Gagnon                      |
| Pierre Hector Morin                     | Charles Rossin                    |
| Joseph Parée                            | Louis Bourdon                     |
| Paschal Pinsonneau                      | Jean Baptiste Bousquet            |
| Theophile Robert                        | Francois Guertein                 |
| Jacques Longtin                         | Charles Guillaume Bouc            |
| Jean Baptiste Henry Brien               | Edouard Pascal Rochon             |
| Ignace Gabriel Chevretils               | Louis Defaillette                 |
| Joseph Dumouchelle                      | Jacques David Hebert, alias David |
| Louis Dumouchelle                       | Jacques Hebert                    |
| Jacques Goyette                         | David Demers                      |
| Toussaint Rochon                        | Hypolite Lanctot                  |
| François Xavier Prieur                  | Louis Pinsonneault                |
| Joseph Wattier, dit Lanoie              | Réné Pinsonneault                 |
| Jean Laberge                            | Etienne Languedoc                 |



Etienne Langlois  
Clovis Patenaude  
Moyse Longtin, fils de Jacques  
Michel Allary  
Joseph Goyette  
Louis Hainault  
Bazile Roy  
Joseph Roy, dit Lapensée, fils de Louis  
Edouard Tremblay  
François Vallée

Constant Buisson  
Charles Bergevin, dit Langevin père  
Joseph Cousineau  
François Dion  
Louis Julien  
Jean Baptiste Trudelle  
Samuel Newcombe  
Jerome Rochon  
Phillipe Tremblay  
Benjamin Mott

No. 25.  
Sir John Colborne  
to Lord J. Russell.  
Oct. 15, 1839.  
Enclosure.

And that the under-mentioned persons, upon whom sentence of death has also been passed, should not undergo the punishment of transportation, viz.—

Antoine Coté  
Guillaume Levesque  
François Treannier, fils  
Michel Longtin dit Jerome, fils  
Leon Leclair  
Paul Gravelle  
Antoine Roussin, alias Joseph Roussin  
François St. Louis

Thomas Surprenant, dit Lafontaine  
François Surprenant, dit Lafontaine  
Benoni Verdon  
Charles Mondat  
Joseph Roy  
Antoine Charbonneau  
Moses Dalton.

But the committee are of opinion that the persons so exempted from transportation should not be thrown back upon society without some security for their future good conduct, or some penalty to mark their offences.

All which is respectfully submitted to your Excellency's wisdom.

By order,

Council Chambers, 4th June, 1839.

(Signed) J. STEWART, Chairman.

Certified a true copy. G. H. RYLAND.

(No. 126.)

No. 26.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord JOHN RUSSELL.

No. 26.  
Sir John Colborne.  
to Lord J. Russell.  
Oct. 18, 1839.

MY LORD, Government House, Montreal, 18th October, 1839.

With reference to Lord Normanby's letter of the 31st August (No. 69), I scarcely need assure your lordship that the representations which have been addressed to Her Majesty's Government, in respect to the treatment experienced by Mr. Viger and others detained in custody at Montreal, are utterly false and unfounded.

Your lordship will perceive, from the accompanying documents, that every possible attention has been paid to the representations of Mr. Viger, which have been conveyed to me, and that he received every indulgence compatible with the public safety.

I have &c.

(Signed) J. COLBORNE.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure 1 in No. 26.

MONSIEUR,

Montréal, 18th Octobre, 1839.

Enclosure No. 1.

J'AI l'honneur d'accuser réception de votre lettre de ce jour, adressée au Shérif de Montréal. Ayant eu, en ma qualité de magistrat, plus souvent que mon collègue Mr. Boston l'occasion de voir et visiter les prisonniers politiques, je crois devoir vous donner privément toutes les informations que vous désirez et qui sont plus particulièrement à ma connaissance. J'ai visité Mr. M'Donnell presque tous les mois avant qu'il ait plû à son Excellence de me nommer au Sheriffât de Montréal; et chaque fois je n'ai eu que des réponses satisfaisantes de ce monsieur sur la manière dont il était traité par le geolier, et ses employés.

Depuis ma nomination, j'ai eu occasion de le visiter plus souvent, ses réponses n'ont jamais cessées d'être conformées et toujours faisant le plus grand honneur à l'humanité du geolier.

No. 26.  
Sir John Colborne  
to Lord J. Russell.

Oct. 18, 1839.

Enclosure No. 1.

Dans une de mes premières visites à la prison en ma qualité de Sheriff, un des employés m'informa que Monsieur Viger avoit quelques plaintes à me faire. Je m'empressai de monter à sa chambre pour en prendre connaissance, et je sus de ce Monsieur que depuis quelques semaines il lui avait été défendu de jouer du flageolet que était, disoit-il, pour lui le seul passetemps agréable qu'il pût avoir dans la soirée; et que depuis le même temps on l'avait privé de la liberté que lui avait fait donner son Excellence de se promener durant le jour dans les cours intérieures de la prison. Il ajouta qu'il savait que ces ordres ne venaient pas du gouverneur; et qu'il croyait inutile de me nommer celui que les avaient donnés, n'ayant aucun doute que son Excellence en étant informé les contremanderait aussitôt. Je lui promis de voir son Excellence à ce sujet; et je m'enquis si du reste il était satisfait, et bien traité. Voici sa réponse aussi fidèlement rapportée que possible, et que je ne doute pas, ce Monsieur donnerait lui-même par écrit s'il était nécessaire. "A l'exception de ces petites misères, que je dois attribuer à la faiblesse de Monsieur de St. Ours, j'aurais bien tort de me plaindre; Teraud (le geolier) est le meilleur homme du monde, et plein de complaisance pour moi; je suis l'objet des égards et du respect même de ses employés. Si j'ai à me plaindre de l'injustice de mon emprisonnement, dont je ne blâme pourtant pas autant son Excellence que ceux qui l'entourent et qui l'ont conseillé, je serais bien injuste de me plaindre de la manière dont on me traite ici." Je dois ajouter relativement à ce monsieur, qu'il est à ma connaissance personnelle qu'il a été donné la plus grande facilité à toute sa famille et à tous ceux qui ont voulu le visiter. Quant aux autres prisonniers je les ai visités il y a quelques jours avec Monsieur le Surintendant de Police et un monsieur étranger qui désirait connaître l'intérieur de la prison. A toutes les questions que j'ai fait presque à chacun d'eux en particulier, je n'ai entendu que les réponses les plus satisfaisantes sur la conduite des employés de la prison à leur égard. Je pourrais appuyer ce que j'avance du témoignage de ces messieurs et de quelques autres s'il était nécessaire pour retorquer les alléguées de quelques journaux en Angleterre sur la sévérité exercée envers les prisonniers dans cette prison. Il est peut-être peu de pays où ils soient aussi bien traités qu'ici; et ils ont presque généralement tout autant de liberté qu'il est permis de leur en accorder avec la sûreté de leur garde.

J'ai bien l'honneur d'être, Monsieur,

Votre obéissant serviteur,

(Signed) H. EDMUND BARRON.

Thomas Leigh Goldie, Esq., Civil Secretary,  
&c. &c. &c.

Enclosure 2 in No. 26.

SIR,

Sheriff's Office, Montreal, 18th October, 1839.

Enclosure No. 2.

WE have the honour to acknowledge the receipt of your letter of yesterday's date, enclosing the Despatch No. 69, dated 31st August, 1839, from Her Majesty's Secretary of State for the Colonies, having reference to Mr. Viger and the other political prisoners detained in the common gaol of this district, and requesting us to afford such information and explanation on the subject as may enable his Excellency to furnish the report called for by the Secretary of State.

We have now the honour to report that the representations addressed to Her Majesty's Government to the effect that Mr. Viger and others, at present in custody in Lower Canada, are treated with unnecessary severity and subjected to unusual and needless restraint, are wholly destitute of foundation. Mr. Viger, in compliance with the special instructions of his Excellency, ever since his detention in gaol, had had extended to him an almost unlimited indulgence; he has had the liberty not only of the whole building, with a choice of any apartments therein, but also the full range of the gaol yard, and all persons have had ready access to him at all hours of the day; so that, apart from his detention within the outer walls of the building during the day, and confinement within it at night, Mr. Viger may be said to have experienced no restraint. In regard to the other political prisoners, every possible indulgence has been and continues to be extended towards them consistent with the safe keeping of their persons. Mr. Viger upon more than one occasion has expressed to us his satisfaction with the treatment he has received during his detention.

We have, &c.

(Signed) BARTON and BARRON,  
Joint Sheriff of the District of Montreal.

Thomas Leigh Goldie, Esq., Civil Secretary,  
&c. &c. &c.



No. 27.

COPY of a DESPATCH from Lieutenant-General Sir JOHN COLBORNE, G.C.B.,  
to Lord JOHN RUSSELL.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.

MY LORD,

Lineham, Devonshire, 20th November, 1839.

I HAVE the honour to transmit to your Lordship copies of the Addresses which I received at Montreal and Quebec, from the inhabitants of the districts of Upper and Lower Canada, to whom my expected departure had been made known. I adopt this course in conformity with the practice of my predecessors who held the appointments to which the Addresses advert; but I am persuaded that, with reference to the circumstances under which I have been placed, in administering the Government of the Upper and Lower Province, it will afford satisfaction to Her Majesty's Ministers, to be in possession of documents so decidedly expressive of the public opinion, in regard to the administration of Governments from which I have lately been relieved.

I think it right also to state, that I understand that Addresses were about to be forwarded to me from every district in Upper Canada, and that most of the respectable French Canadians in Montreal, wished to sign the Montreal Address, but objected to the subject of the Union of the provinces being introduced in that document.

I have, &c.,

(Signed)

J. COLBORNE.

The Right Hon. Lord John Russell.  
&c. &c. &c.

SCHEDULE of ADDRESSES presented to His Excellency Lieut.-General Sir JOHN COLBORNE,  
on the occasion of his departure from CANADA.

- No. 1. Address from the Bishop and Clergy of the Diocese of Quebec.
- No. 2. Address from the Magistrates of the City and District of Quebec.
- No. 3. Address from the Members of the St. George's Society of Quebec.
- No. 4. Address from the Inhabitants of the Parish and County of Nicolet, Lower Canada.
- No. 5. Address from the Inhabitants of the County of Sherbrooke in the District of St. Francis
- No. 6. Address from the Inhabitants of the City of Montreal.
- No. 7. Address from the Inhabitants of Terrebonne, Lower Canada.
- No. 8. Address from the Inhabitants of St. Eustache, Lower Canada.
- No. 9. Address from the Inhabitants of the La Cole, frontier, Lower Canada.
- No. 10. Address from the Inhabitants of the Townships of Hinchbrook, Godmanchester, and Dundee.
- No. 11. Address from the loyal Inhabitants on the Rouville frontier.
- No. 12. Address from the Officers of the 1st Battalion of the Montreal Loyal Volunteers.
- No. 13. Address from the 2nd Regiment of Glengarry Militia.
- No. 14. Address from the 3rd Regiment of Glengarry Militia.
- No. 15. Address from the 4th Regiment of Glengarry Militia.
- No. 16. Address from the Mayor, Alderman, and Citizens of the City of Toronto, Upper Canada.
- No. 17. Address from the Grand Jurors of the Home District, Upper Canada.
- No. 18. Address from the Inhabitants of McNab and Horton, Upper Canada.
- No. 19. Address from the Magistrates, Clergy, and Inhabitants of the Eastern District, Upper Canada.
- No. 20. Address from the Inhabitants of the County of Hastings, Upper Canada.
- No. 21. Address from the Magistrates of the Newcastle District, Upper Canada.
- No. 22. Address from the Magistrates and Freeholders of the District of Ottawa, Upper Canada.
- No. 23. Address from the Chairman of the Wesleyan Missionary Societies of Canada, Nova Scotia, and New Brunswick.
- No. 24. Address from the Inhabitants of Napierville and L'Acadie, Lower Canada.
- No. 25. Address from the Inhabitants of the Johnstown District, Upper Canada.
- No. 26. Address from the Members of the Committee of Trade of the City of Quebec.

Enclosures.

No. 27  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.

Copy.]

Enclosure 1 in No. 27.

ADDRESS from the BISHOP and CLERGY of the Diocese of QUEBEC.

Enclosures No. 1.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., and G.C.H., Governor-General in and over Her Majesty's Provinces of British North America, &c. &c. &c.

May it please your Excellency,

We the Bishop and Clergy of the Diocese of Quebec, cannot but feel that, in the person of Your Excellency, we are about to lose a friend to those high and sacred interests over which we are appointed to watch; one who by his official acts has promoted the lasting prosperity of religion, and by his example has maintained its ascendancy. We trust, therefore, that we may be permitted to approach Your Excellency with the expression of our deep regret at your departure, and with the assurance that our affectionate wishes will follow yourself and your excellent lady and family, in whatever quarter of the world you may reside.

Independently of the facts universally known, that the military dispositions made by your Excellency, and your command in the field, have, under God, suppressed the wicked and unnatural rebellion, which evil-minded men had created among a peaceful, happy, and highly-favoured people; and that your civil administration has restored order and tranquility to a distracted land. It has inspired us and our flocks with confidence and comfort, to feel that the reins of government were in hands which were daily lifted in prayer to God, through Jesus Christ; and we have rejoiced to know that, when called upon by the imperative voice of the public good, to shew that (according to your high commission from God and man) you did not bear the sword in vain. You remembered mercy in the execution of wrath—sparing wherever it was possible, in consistency with duty, to do so, and mourning wherever it was not.

While we feel assured that your Excellency will now be honoured by fresh marks of approbation from your Sovereign, and will be greeted by all that is good in England, with the respect and gratitude to which you have earned so just a title, we are well aware that you are actuated by higher incentives than the breath of human praise; and that this tribute from ourselves is no otherwise really valuable to you than as a testimony from those who serve the same great Master with yourself. We hope to be still remembered in those prayers which your Excellency will offer for the colony which you have been the honoured instrument of preserving,—the church which you have fostered, and the institutions for the advancement of education which you have promoted.

Our supplications for yourself, and those belonging to you, shall not be wanting in return.

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Enclosure 2 in No. 27.

ADDRESS from the MAGISTRATES of the City of QUEBEC.

To His Excellency Sir JOHN COLBORNE, G.C.B., and G.C.H., &c. &c. &c.

May it please your Excellency,

Enclosure No. 2.

We, Her Majesty's dutiful and loyal subjects, the undersigned Magistrates of the City and District of Quebec, most respectfully approach your Excellency on the eve of your departure from this province, to express the high respect which we entertain for your Excellency's person and character.

Although unfortunate circumstances have deprived us for the greater part of the time that your Excellency has held the chief military and civil command, of the benefit of your residing amongst us, we are not unaware of the salutary influence of your Excellency's private and public virtues, in promoting respect for the laws, and those moral and religious duties which are essential to the public peace, the general welfare, and the happiness of individuals.

We are convinced that your Excellency must have deplored, equally with ourselves, the extraordinary and painful events, amidst which your Excellency had to exercise the high powers confided to you by our Sovereign: while we acknowledge the success which has attended your Excellency's efforts for maintaining and restoring peace in the disturbed districts, we can duly estimate the sacrifice of feeling to duty, which was required of your Excellency, who had acquired eminent distinction in foreign war, under the greatest captain of the age, when you were compelled to employ military force in civil dissensions.

We acknowledge that, under the protection of Divine Providence, it is chiefly to your Excellency that we are indebted for the signal defeat of two attempts to withdraw, by actual violence, Her Majesty's subjects, in this province, from their allegiance to the crown, and that our connexion, as we fondly hope, with the other parts of the British empire, has been permanently maintained.

We beg your Excellency to accept the assurances of our lasting gratitude, and our earnest wishes for your safe arrival in your native land, to enjoy the well-merited honours and rewards, of a life devoted to the service of your Sovereign and country.

Magistrates' Room, City of Quebec,  
Province of Lower Canada, October, 1839.

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## Enclosure 3 in No. 27.

COPY of ADDRESS to his Excellency Sir JOHN COLBORNE from MEMBERS of St. GEORGE'S SOCIETY, Quebec, October 1839.

No. 27,  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.  
Enclosure No. 3.

May it please your Excellency,

WE, Her Majesty's faithful and loyal subjects, members of the St. George's Society of Quebec (instituted for charitable purposes), on the roll of which we have the honour of bearing, as honorary member, your Excellency's name, desire to approach your Excellency, and to express the high sense we entertain of the great and important services which, under Divine Providence, have been rendered to Her Majesty's loyal subjects by your Excellency during the trying periods of your administration of the government of this province.

We also desire to convey to your Excellency our deep regret at the loss which the province is about to suffer by your Excellency's retirement from the country.

Our consolation is, that Canada will have near the throne, in the person of your Excellency, one of its firmest friends; and we sincerely hope that your Excellency may receive at the hands of our most gracious Sovereign those honours which belong to the most distinguished of the servants of the crown.

That your Excellency, Lady Colborne, and family, may long enjoy the blessings of health and happiness, and find a prosperous passage to our native land, is the sincere prayer of your Excellency's faithful and devoted servants.

## Enclosure 4 in No. 27.

ADDRESS from the INHABITANTS of the Parish and County of NICOLET, L.C.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, and Commander of the Forces in and over the same, &c. &c. &c.

May it please your Excellency,

WE, the undersigned members of the Clergy, Gentry, Freeholders, and other inhabitants of the parish and County of Nicolet, having learnt with deep regret that your Excellency is about to retire from the government of this country and to return to England, beg permission to approach your Excellency with the expression of our unfeigned respect and gratitude.

In the eventful periods in which your Excellency has been twice called upon both to administer the government of this country and to direct its military resources for the suppression of a wicked and unnatural rebellion, we have seen the wisdom of the statesman and the prudence of the warrior eminently combined in your Excellency's person, and successfully acted upon to recall a distracted country from anarchy and civil war to peaceful pursuits and improved legislation, while justice has been tempered with mercy to an extent exceeding the anticipations of the most humane, owing to the unbounded confidence of the community in your energy, resources, and wisdom.

It is not our intention or our province on this occasion to recount your Excellency's achievements in arms or in the administration of a government arduous beyond a parallel: they form part of the history of our common country, and we trust your Excellency, in leaving us, is but hastening to receive the recompence of a gracious Sovereign and grateful country.

On our own account we deeply regret your Excellency's departure, and we cannot permit your Excellency to leave us without tendering the acknowledgments of our respectful homage, accompanied by our earnest prayers that it may please the Giver of all good to grant you and your Excellency's respected family a safe and prosperous voyage to England, and to prolong your Excellency's days in augmented honours and happiness.

Nicolet, 19th October, 1839.

Enclosure No. 4.

## Enclosure 5 in No. 27.

ADDRESS from the Loyal INHABITANTS of the County of SHERBROOKE, in the District of St. FRANCIS, L.C.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of Her Majesty's Possessions on the Continent of North America, and Commander-in-Chief of Her Majesty's Forces in the same, &c. &c. &c.

WE, the members of a public meeting of the inhabitants of the loyal County of Sherbrooke, in the District of St. Francis, have learnt with much disappointment that you are about to resign the administration of the government of this colony, and that we, together with Her Majesty's other loyal subjects, shall be deprived of a ruler whose ability, foresight, industry, and coolness, under a just Providence, have already led us to a successful encounter with rebellion, and would hold out to us a promise of a like issue in a similar time of trial. We cannot allow you to depart from these shores without assuring you that we have relied

Enclosure No. 5.

No. 27.  
 Sir John Colborne to  
 Lord John Russell.  
 20th Nov. 1839.  
 Enclosure No. 5.

upon your experience in these colonies and your knowledge of their inhabitants, and that to them we attribute our present tranquillity and our past success.

We are satisfied that the dangers which have threatened us were removed by the measures which your judgment devised, under circumstances of alarm, and with means but ill adapted to meet them.

We declare that it was unbounded confidence in you, as our ruler, that prompted us, together with the mass of Her Majesty's loyal subjects in this province, of both British and American origin, to take up arms with unanimity; and we cannot doubt that it was to this happy combination and unity of energies, under your guidance and the blessing of the Almighty, that has preserved to our Sovereign this portion of her empire, while we cannot look forward without some apprehension to the future when deprived of your directing influence.

But independent of services such as we have adverted to, our regret at the prospect of your Excellency's departure is deepened, and our debt of gratitude increased, by the zeal shown by you in pressing upon the attention of Her Majesty's ministers comprehensive plans for the promotion of internal improvements, reform in our system of law both civil and criminal, the establishment of registry offices, and for abolishing or modifying on a just and equitable footing the burdens incident to the feudal system, and making the province in fact, as well as in name, a British colony.

We have been well content with a mild, and paternal, and impartial administration of the government in your veteran hands; we have admired the character of your moral, and religious, and exemplary household, and we could have wished, for our own good, that you were destined to rule over us for years yet to come.

You are now about to return to your native land; and in bidding you farewell we venture respectfully to wish that your Excellency and Lady Colborne and your estimable family may enjoy a speedy and prosperous voyage, that during the remainder of your days you may be blessed with happiness and health, and that you may receive from a discriminating Sovereign those honours and rewards which your zeal and services deserve.

We assure you that you take with you the affections and gratitude of a loyal people, and that your name and deeds and worth will long survive your departure.

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Enclosure 6 in No. 27.

Copy.]

ADDRESS from the CITY of MONTREAL.

To his Excellency Sir JOHN COLBORNE, &c. &c. &c.

May it please your Excellency,

Enclosure No. 6.

WE, Her Majesty's most dutiful and loyal subjects, inhabitants of the city of Montreal, beg leave to approach your Excellency with sentiments of the highest respect, and to assure you of our unfeigned regret at your approaching retirement from the government of this colony.

We should be wanting in justice and gratitude to your Excellency, were we to forbear to acknowledge, that if we have escaped the calamities that in the late times of trouble and commotion have afflicted the families of many of our less favoured fellow-subjects, we owe it chiefly, under Divine Providence, to your military skill and energy, to your promptitude in disconcerting the machinations of the disaffected, and to your unceasing vigilance and anxious solicitude for the protection of our persons and property.

It has fallen to the lot of your Excellency to preside over this province at a period of unparalleled difficulty, when industry and enterprise languished, and our constitutional rights were suspended: yet, with the limited means placed at your disposal, you have given an impulse to agriculture and commerce; you have caused many useful and salutary laws to be enacted, and encouraged and sanctioned the establishment and support of several humane and benevolent institutions.

Though the intimate connexion that has long subsisted between your Excellency and the provinces of Upper and Lower Canada is about to be severed, yet we feel satisfied that your anxiety for their welfare will remain undiminished.

We, therefore, cherish the hope, that when Her Majesty's government shall submit to the Imperial Parliament the important measure which they have determined on, of the Union of the two Provinces, your Excellency will contribute your valuable advice and recommendation to carry it into effect, and that you will aid in maturing and perfecting such other measures for their future good government, as may seem to you best calculated to ensure their permanent tranquillity, and make them a valuable appendage of the British Empire.

On taking leave of your Excellency, we beg to be permitted to offer our sincere wishes that yourself, Lady Colborne, and your family, may have a propitious voyage to England: that you may there receive the honours and reward due to your long and faithful services to your sovereign and country, and that you may for many years be blessed with uninterrupted health and happiness.

Signed by 3261 persons.

Certified. (Signed) THO. LEIGH GOLDIE.

Montreal, 1839.



Enclosure 7 in No. 27.

ADDRESS from the VILLAGE of TERREBONNE, Lower Canada.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of all Her Majesty's Provinces on the Continent of North America and the Islands of Prince Edward and Newfoundland, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada, Upper Canada, &c. &c. &c.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.  
Enclosure No. 7.

May it please your Excellency,

WE, the loyal inhabitants of the village of Terrebonne, beg leave to approach your Excellency, to express the deep regret we feel at your departure from this province, and to offer you our most sincere thanks and acknowledgments for the immediate relief you have always bestowed on all parts of the country, during the late unfortunate troubles which have been so speedily quelled by your distinguished skill and activity.

We are likewise deeply sensible of the impartial manner with which you have at all times acted in your many important public duties.

We feel confident that Her Majesty's ministers will suitably reward your Excellency, on your arrival in the Mother Country, for the numberless services you have rendered the British Empire, during your long and cautious administration in the Canadas.

Terrebonne, 17th October, 1839.

Enclosure 8 in No. 27.

Copy.] ADDRESS from the PARISH of ST. EUSTACHE, Lower Canada.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., and G.C.H., Governor-General of British North America, and Commander-in-Chief of all Her Majesty's Forces in the Provinces of Upper and Lower Canada, Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's faithful and loyal subjects, inhabitants of St. Eustache, and its vicinity, beg leave, most respectfully, to address your Excellency, on the occasion of your approaching departure from this colony.

Even in this retired portion of Her Majesty's dominions, there are none amongst us, to whom your Excellency's long public services to our common country are unknown; and since your administration of the government of this and the sister province, we have become fully acquainted with the high moral qualities which adorn your character as a christian and a citizen.

Without further allusion to scenes, we trust never to recur in this hitherto favoured province, we may truly add, that the loyal inhabitants of no section of the country, have greater reason than we have to appreciate, and feel grateful, for your Excellency's exertions in protecting the constitutional rights of all who are worthy of the name of British subject; in restoring and maintaining the blessings of internal peace and tranquillity, and in securing the wise and temperate combination of justice and mercy.

Entertaining these sentiments, we desire to express our unfeigned regret, that circumstances withdraw your Excellency from amongst us. We pray that a prosperous voyage may soon restore you, and your family, in good health, to your native land; and that our sovereign may there bestow upon one of her most distinguished servants, the honours and rewards, which, during a long and valuable public life, he has so pre-eminently merited.

Saint Eustache, Lake of Two Mountains,  
October 16th, 1839.

Enclosure 9 in No. 27.

ADDRESS from the INHABITANTS of the LA COLE FRONTIER, Lower Canada.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., &c. &c.

May it please your Excellency,

We, her Majesty's loyal and devoted subjects, inhabitants of La Cole and its vicinity, beg leave to approach your Excellency with the expression of our sincere regret at the prospect of your departure from this province. In common with every true friend to the British North American colonies, we had cherished the hope that such a calamity was far distant, and that your Excellency who had so successfully stemmed the wild tide of civil discord and rebellion would be permitted to establish upon a sound and permanent basis the tranquillity of this distracted country, and that you who had so lately visited us when our families were driven

Enclosure No. 8.

Enclosure No. 9.

No. 27.  
Sir John Colborne  
to Lord John Russell.

20th Nov. 1839.

Enclosure No. 9.

from their homes, and our citizens obliged to change their peaceful avocations for the duty of the soldier, and the quiet of their firesides for the battle field, might once more come among us to be greeted by cheerful faces and happy hearts, made so by your benign but energetic rule. Residing in an exposed and often-assailed position, we have great reason to look forward with fearful forebodings to the future, and to regret the departure of your Excellency, whose prompt and efficient measures have so effectually seconded the resolution of the loyalists on this frontier, in defending our hallowed institutions from the grasp of unprincipled and desperate men; but at the same time we have the consolation to know that your Excellency will not forsake us, nor neglect the true interests of these colonies, and that we shall ever have in you a zealous and competent friend.

With this consoling assurance, we take leave of your Excellency, praying that every blessing may attend yourself, Lady Colborne, and your Excellency's family.

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Enclosure 10 in No. 27.

ADDRESS from the INHABITANTS of the Townships of HINCHINBROOKE, GODMANCHESTER, and DUNDEE, Lower Canada.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, &c. &c.

Enclosure No. 10.

We, the inhabitants of the Townships of Hinchinbrooke, Godmanchester, and Dundee, of Lower Canada, deeply impressed with a sense of the blessings we have enjoyed under your paternal government of this province, during a period of two rebellions, brought about by insidious and desperate men, determined upon wresting from the British Crown this part of her Majesty's dominions, beg leave to express our heartfelt sorrow at the near prospect of losing a governor who, more than any other whom we have had to rule over us for a long period of time, has properly understood and nobly counteracted the designs of implacable enemies. Under your Excellency's wise and judicious administration, the loyalty and attachment of the inhabitants of British blood to our glorious constitution has been kindly fostered and their energies wisely directed in putting down internal rebellion, and preventing foreign and lawless invasion.

Be assured, therefore, that on your Excellency's departure you will carry with you our most earnest wishes for your health and prosperity, and that you may long enjoy in peace and tranquillity the pleasing reflection of having been the chosen instrument in the hands of Providence of saving one of the most valuable appendages of the British Crown from the grasp of its inveterate enemies.

In conclusion, we earnestly pray that your Excellency and your family may be favoured with a speedy and prosperous passage to your native country, and that there you may from our gracious Sovereign receive the reward due for long and meritorious services.

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Enclosure 11 in No. 27.

ADDRESS from the INHABITANTS on the ROUVILLE FRONTIER, Lower Canada.

To his Excellency Lieut.-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, &c. &c. &c.

May it please your Excellency,

Enclosure No. 11.

WE, Her Majesty's dutiful and loyal subjects, residing on the Rouville frontier, beg leave to approach your Excellency, on the eve of your departure from this province, respectfully to express to your Excellency our sincere regret at that event, which has filled the hearts of this whole community with sorrow.

The circumstances of absorbing interest which have marked your Excellency's connexion with the people of this province, the existence of common danger which repeatedly threatened our lives, our families, our liberties, and our connexion with our beloved Britain, and the confidence which we have ever reposed in your Excellency's prudence, experience, and firmness, in meeting that danger and surmounting the complicated difficulties of your responsible station, have knit our hearts to your Excellency by a strong and enduring affection.

We cannot withhold from your Excellency the frank avowal of the deep obligations under which these provinces, and, through them, the whole British Empire, are laid by your Excellency's services; and the expression of our honest conviction that, under Divine Providence, your Excellency's wisdom and promptitude in crushing two rebellions have preserved to the British Crown these fair, extensive, and valuable colonies, and saved their loyal inhabitants from extermination, or other inconceivable miseries, which must have succeeded a successful rebellion; while in the exercise of the high and awful prerogative of justice, your Excellency's benevolent nature has not failed to temper its stern requirements with as great an extension of mercy to the deluded criminals as was compatible with the safety of the State.

So great has been the confidence inspired by your Excellency's presence and example among us, as to confirm the loyalty, strengthen the heart, and unite the efforts of all the colo-



nists of British origin to maintain the integrity of the empire, at whatever hazard or sacrifice on their part, and, although an ill-advised policy in other quarters had thrown these vast and important possessions upon the very verge of severance from the parent state, we still even now cherish the hope that, if England will be true to herself, they may yet remain for many years prosperous, happy, and valuable appendages of the British Crown.

Nor is it only as the efficient Commander of the Forces, the hero of many fields, that important services have been rendered to these colonies. Wisdom in council, and patient industry in legislation, have conferred many and lasting benefits upon the country, which it had long sought for in vain, and which will associate the name of your Excellency with many of our blessings thus secured to us by wholesome laws.

We beg to assure your Excellency that these sentiments of loyalty to our beloved Queen, and of veneration and attachment to your Excellency's person and character, unanimously pervade every loyal heart in this portion of the province; and, in tendering our best wishes and prayers for the health and happiness of your Excellency, Lady Colborne, and every member of your amiable family, and that a safe and short voyage may restore you to your country and friends, where you may long enjoy the honours which have been earned, and the gratitude which has been inspired, by the devoted service to your Sovereign and country of a long, toilsome, and useful life, we offer your Excellency our respectful and affectionate farewell.

Clarenceville, Noyau, 10th October, 1839.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.  
Enclosure No. 11.

Enclosure 12 in No 27.

Address from the OFFICERS of the 1st Battalion MONTREAL LOYAL VOLUNTEERS.

To His Excellency Lieut.-General Sir John Colborne, G.C.B., G.C.H., Governor-General of all Her Majesty's Provinces on the Continent of North America, and of the Islands of Prince Edward and Newfoundland, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada, Upper Canada, &c. &c. &c.

May it please your Excellency,

WE, the officers of the 1st battalion Montreal Loyal Volunteers, for ourselves, and on behalf of the non-commissioned officers and privates under our command, beg leave to approach your Excellency with an expression of our sincere regret at the prospect of your early retirement from the government of these provinces.

Enclosure No. 12.

We cannot allow the present opportunity to pass without offering to your Excellency our grateful acknowledgments for the many valuable services which your Excellency has rendered to these provinces generally, and to this district and city in particular; and we feel much pleasure in stating that it was owing to the energy and promptitude of your Excellency's measures for checking rebellion, which gave so much confidence to the loyal portion of the inhabitants of this city as to induce them to come forward with a tender of their services at a time when our political horizon was darkened with clouds of fearful import. At that time your Excellency stood firm, and fearlessly awaited a crisis, the aspect of which made many a stout heart among us to doubt the result. But your Excellency had no sooner held out to us the hand of support, and the cheering voice of encouragement, than we seized with alacrity the means which your Excellency placed within our reach of rendering ourselves useful in the defence of our country and the maintenance of our dearest rights, which, with the blessing of Divine Providence, and the energy and military skill of your Excellency, happily succeeded in suppressing two successive and extensive rebellions.

We embrace the present opportunity of tendering to your Excellency our sincere thanks for the very kind and candid manner in which you have expressed your approbation of the services of the volunteers, and for the justice you have done them in stating in General Orders, "That the forbearance which, under circumstances of unprecedented provocation, has marked the conduct of the volunteers, does them honour as soldiers, and ensures them respect from every civilized nation." Such expression of approbation of their services and conduct, emanating from your Excellency, is the more gratifying, as it so plainly and firmly contradicts assertions made to the contrary, by certain members in their places in the Imperial Parliament, at a time when the volunteers conceived their services entitled them to praise instead of censure.

We regret the more the departure of your Excellency from this province at a time when your Excellency has become acquainted with its capabilities, and what is necessary to make it a thriving and flourishing colony of the empire; yet we cherish with confidence the hope that your Excellency will, after leaving us, impress upon the councils of our Most Gracious Sovereign the true situation and condition of these provinces, and the necessity there exists of encouraging practical loyalists, and of speedily making this province British in fact as well as in name.

In conclusion, we, as a portion of the volunteer force, beg to offer our best thanks to your Excellency for your uniform kindness and urbanity towards us, and for the consideration which you have from time to time given to our suggestions; for your parental care and at-

No. 27.  
Sir John Colborne  
to Lord John Russell,  
20th Nov. 1839.  
Enclosure No. 12.

tention to the wants and comforts of the Montreal Volunteers at all times, but more particularly when embodied for service.

Wishing your Excellency, your amiable lady, and family, a safe and pleasant passage across the Atlantic, and that you may all long enjoy health, happiness, and prosperity; and that your Excellency may receive from our Most Gracious Queen that approbation and reward to which your long, arduous, and faithful services so eminently entitle you.

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Enclosure 13 in No. 27.

ADDRESS from the 2nd REGIMENT GLENGARRY MILITIA of Upper Canada.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of the Provinces of Upper and Lower Canada, &c. &c. &c., and Commander of the Forces therein.

Enclosure No. 13.

WE, the officers, non-commissioned officers, and privates of the 2nd Glengarry Regiment, having learned with extreme regret that your Excellency is on the eve of retiring from the administration of the government of these provinces, beg leave most respectfully to convey to your Excellency the expression of our high respect for your Excellency's exalted character, and of our conviction that to the vigilance, energy, and talent displayed by your Excellency in the discharge of the arduous and important civil and military duties which devolved on your Excellency in a time of much difficulty, when surrounded by treason and rebellion, we are at this moment, under Providence, still enjoying the blessings of our constitution and the protection of the mother country.

We shall ever remember with pride the confidence reposed in us, as Highlanders, by your Excellency, when, upon several occasions, your Excellency did us the honour of requiring our services for the suppression of rebellion in the Lower Province; and we beg leave to assure your Excellency of our ardent and unabated attachment and devotion to Her Majesty's person and Government, and our firm determination to hazard our lives, should occasion require it, in defence of this portion of her Majesty's dominions.

We sincerely wish your Excellency, Lady Colborne, and family, a safe passage to your native land, where, we doubt not, your distinguished services will be rewarded by the approbation of your Sovereign.

Glengarry, 2nd October, 1839.

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Enclosure 14 in No. 27.

ADDRESS from the 3rd REGIMENT GLENGARRY MILITIA of Upper Canada.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, and Commander-in-Chief of Her Majesty's Forces therein.

Enclosure No. 14.

MAY it please your Excellency, we, the undersigned officers, non-commissioned officers, and privates of the 3rd Regiment of Glengarry Militia, in now addressing your Excellency, will not indulge in useless and unavailing expressions of selfish regret at your Excellency's approaching departure from the government of these provinces, being fully persuaded that retirement from those arduous duties in which you have been lately engaged, even if it has not been sought by you, must, at all events, be very desirous, after having spent the greater part of a long life so honourably and successfully devoted to the service of your Sovereign and country. We cannot, however, allow this opportunity to pass without again recording our admiration of the transcendent talents and knowledge that adorn your Excellency, as well as our unfeigned gratitude to your Excellency for your prompt and vigorous application of them to the exigencies of the times, and to which, under Providence, we are almost entirely indebted for the speedy and successful suppression of one of the foulest and most unnatural rebellions that ever disgraced the annals of any nation.

We beg to assure your Excellency that the confidence you have always reposed in the Glengarry Militia is to us a source of the greatest satisfaction and gratification; and, conceiving that it is to your Excellency's favourable representations that we are indebted for the personal expressions of Her Majesty's gracious acknowledgments of our humble services, we therefore tender to your Excellency our warmest thanks.

Of our loyalty and patriotism it would ill become us here to speak; but we humbly hope that your Excellency will be pleased to convey to our beloved Sovereign the very high sense of those essential duties which we entertain in common with the rest of Her Majesty's loyal subjects, and which we shall, as far as in us lies, fulfil to the letter.

We must now reluctantly take leave of your Excellency; and that the Divine Disposer of all events may confer every blessing upon your Excellency, Lady Colborne, and family, shall always be the prayer of your Excellency's grateful and warm admirers and Her Majesty's devoted and loyal subjects.

Glengarry, 16th October, 1839.

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Enclosure 15 in No. 27.

ADDRESS from the 4th REGIMENT GLENGARRY MILITIA of UPPER CANADA.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.  
Enclosure No. 15.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General and Commander of the Forces in British North America, &c. &c. &c.

WE, the Officers, Non-commissioned Officers, and Privates, of the 4th Glengarry Regiment, having learned with much regret that your Excellency is on the eve of retiring from the administration of the Government of these Provinces, beg leave most respectfully to convey to your Excellency the expression of our high respect for your Excellency's exalted character, and of our conviction that to the vigilance, energy, and talent, displayed by your Excellency in the discharge of the arduous and important civil and military duties which devolved on your Excellency in a time of much difficulty, when surrounded by treason and rebellion, we are at this moment, under Providence, still enjoying the blessings of our happy constitution, and the protection of the mother country. We shall ever remember with pride and satisfaction the confidence reposed in us as Highlanders by your Excellency, when, upon several occasions, your Excellency did us the honour of requiring our service for the suppression of rebellion in the Lower Province, and we beg leave to assure your Excellency of our ardent and unabated attachment and devotion to Her Majesty's person and Government, and our firm determination to hazard our lives, should occasion again require it, in defence of Her Majesty's crown and dignity, in any part of Her Majesty's North American Provinces. On the occasion of your Excellency's approaching departure, we beg leave to tender you the tribute of our unfeigned respect and gratitude, of our sincere wishes for your health, happiness, and prosperity, and a safe passage to your native country, where we doubt not your Excellency will receive from our beloved Sovereign the approbation and reward that your long and faithful services have so well merited at Her hands.

Alexandria, county of Glengarry,  
14th October, 1839.

Enclosure 16 in No. 27.

ADDRESS from the MAYOR, ALDERMEN, and CITIZENS of TORONTO, UPPER CANADA.

To his Excellency SIR JOHN COLBORNE, K.C.B., Governor-General, Vice-Admiral, and Captain-General of all Her Majesty's North American Provinces, &c. &c. &c.

May it please your Excellency,

WE, the mayor, aldermen, and citizens of Toronto, have heard with unfeigned regret that your Excellency is to be relieved in the government of the British North American Colonies. Enclosure No. 16.

A period of eleven years has expired since your Excellency, after having rendered eminent military services, and after having received serious wounds in the service of your Sovereign, was selected to preside over the province of Upper Canada.

During the administration of your Excellency the province rapidly progressed in wealth and population. Education, theretofore too much neglected, received from your Excellency the most fostering encouragement, particularly in the erection and endowment of Upper Canada college, which will long remain a monument of your Excellency's benevolent and paternal regard for the intellectual improvement of the rising generation of this province. The forests disappeared—agriculture flourished—commerce increased—public improvements were commenced and carried on with vigour—our lakes and rivers were covered with steam and other vessels—an emigration from the British Isles added to our population, and there was every inducement to persons possessing capital to settle amongst us, and, with our industry and perseverance, to develop the resources of this province, and render it one of the brightest gems of the British Crown.

Unhappily, the Home Government listened to the representations of those who were then pronounced enemies of the connexion of these colonies with the parent state, and who have since become fugitive traitors to their country—and your Excellency was removed from the civil government of this province: but upon your Excellency's departure from amongst us, feeling that we were separating from the best friend, and one of the most upright governors, that Upper Canada ever had, we rose *en masse* to express our sorrow at your loss, and to do you honour on your departure.

We conceive that the expression of our opinion, and the knowledge of how firmly your Excellency was fixed in the hearts of all true and loyal subjects, in some degree had an effect upon His late Majesty's Ministers, and caused them to be aware, that in the state in which Lower Canada then was, and that to which it was fast approaching, your Excellency's services could not be dispensed with.

It was most gratifying to the people of Upper Canada to find, that although your Excellency was removed from the government of this province, your services were still to be ensured to your Sovereign in a neighbouring colony, in which colony, from most impolitic conciliations to a rebellious faction, the most serious apprehensions were entertained.

The events of the last two years, and their results, have justified the foresight and discretion of the government in retaining your Excellency's services; and we had reason to hope, from the improved state of things in Lower Canada, brought about mainly by your Excellency's

No. 27.  
 Sir John Colborne  
 to Lord John Russell.  
 20th Nov. 1839.  
 Enclosure No. 16.

judgment, assisted by your Special Council—that no change would have taken place in the government of these provinces, but that your Excellency, from your long residence and experience, would have been permitted to perfect that which is now in progress, and that by a mild administration of the government, with a firm determination of retaining British institutions and British connexion, further claims for your Excellency's services would be made upon your Sovereign, for justice to your Excellency and to the British population of the Canadas.

We feel that the time has arrived, when it is the imperative duty of all loyal subjects to speak boldly as to the manner in which they have been treated, by the discharge of those rebels and traitors, who have been lately set at liberty by the Home Government, and to declare that such lenity is most prejudicial to the welfare of these colonies.

The injury that we have sustained by the late disturbances—the privations to which many of the inhabitants of the province have been obliged to submit—the military duties which they have been called upon to perform—the unswerving loyalty, fidelity and zeal, displayed by them in the defence of these provinces, entitles them to be considered by the Home Government as part and parcel of the dominions of the crown, and as such to protection and support. And we cannot but at this time, and on this occasion, remark to your Excellency, the great mischief that these provinces sustain by the remarks and speeches of certain members of the House of Commons, some of whom formerly (if not now) were in close connexion and correspondence with traitors.

We also take this opportunity of reminding your Excellency of the repeated aggressions of persons from the neighbouring Republic, and the losses which many of the inhabitants of these provinces have sustained from incendiaries, no doubt from that country; and we assure your Excellency that from every information that we have been able to collect, those aggressions, and those acts of murder and arson, have been, to say the least, not discountenanced by the American authorities.

Murderers appear openly in their streets proclaiming their deeds of blood; and, in most cases, persons guilty of infringing their laws by invading this province, are acquitted by their courts, and treated with honours by their citizens.

We pray your Excellency to assure Her Majesty, that her subjects in this country are determined to repel invasion, and to sustain Her authority in this province, with their blood if need be; at the same time they look for a firm stand and determined position by the Home Government in sustaining them in their efforts. Under all the privations which we were suffering, we still look forward to a better state of things, and we anticipated (after the repeated visits of strangers) that your Excellency would have been continued in the government—in this we have been unhappily disappointed, and our only consolation in losing your Excellency as our Governor-in-Chief is, that the remaining period of your Excellency's valuable life may be passed with your family in health, ease, peace, and prosperity; and that upon your return to lay your commission at the foot of the throne, such rewards and such honours will be conferred on your Excellency, as your long and truly valuable services merit.

Towards Lady Colborne we shall feel the most lively respect and esteem, and we beg to assure your Excellency that the knowledge of your future welfare, together with that of your family, will be to us most gratifying.

We beg leave to subscribe ourselves,

Her Majesty's faithful subjects,  
 and your Excellency's most obedient servants.

Enclosure 17 in No. 27.

ADDRESS from the GRAND JURORS of the HOME DISTRICT, UPPER CANADA.

WE, the undersigned, the Grand Jurors at the Assizes now holding for the Home District, do highly approve and heartily concur in every sentiment expressed, and every statement contained in the foregoing address from our fellow-subjects, the mayor, corporation, and citizens of Toronto, to your Excellency, and we feel that we should be both unthankful to a benefactor, and wanting in our duty to your Excellency, were we to permit you to leave the country without expressing our gratitude for the deep interest you have evinced for the welfare of Upper Canada; our satisfaction with the exemplary manner in which you have administered the government of this and our sister province, and our unfeigned regret and heartfelt sorrow at your approaching departure.

Your Excellency may rest assured that your valuable services will be duly appreciated, and your name ever remembered with feelings of the highest esteem and respect by the *loyal people* of this portion of Her Majesty's dominions.

W. THOMSON, Foreman,  
 ALEX. DIXON,  
 ELMO. STULE,  
 CHAS. STOKESBURY,  
 JOHN THOMSON,  
 J. W. WILSON,  
 GEO. B. SPENCER,  
 JAMES DALLAS,  
 EDWD. LALLY,  
 A. THORNE,

HENRY FRY,  
 JOHN BARWICK,  
 WILL. WAKEFIELD,  
 HENRY ROUSELL,  
 JOHN CAMERON,  
 THOS. KINNARD,  
 J. W. GAMBLE,  
 R. C. GAPPER,  
 JOHN ARMSTRONG,  
 T. S. JARVIS.

Grand-Jury Room, Home District,  
 17th October, 1839.



Enclosure 18 in No. 27.

ADDRESS from the INHABITANTS of MACNAB and HORTON.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of the Canadas, &c. &c. &c.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.  
Enclosure No. 18.

May it please your Excellency,

WE, the undersigned inhabitants of Macnab and Horton, her Majesty's dutiful subjects, have been struck with sorrow at a rumour which has just reached us of your Excellency being recalled from the government of these colonies, and from the command of the troops therein. We now come forward to tender our grateful thanks for the wisdom of your administration in this province, for the noble defence (with the assistance of the British troops) of our homes, and property, and our families,—for the suppression of a rebellion which threatened the annihilation of British supremacy, the total subversion of order and concord, and the violation of all laws, sacred, human, and divine,—for the restoration of tranquillity and peace,—for the vigour of your wisdom in the council,—for your gallantry in the field,—for your mercy to the conquered,—for your clemency to the deluded victims of ambition,—for your leniency to rebels whose wish was anarchy, and whose desire was loyal blood.

Impressed with these sentiments, and humble admirers of your Excellency's renown, and of your politic administration, we venture to express to your Excellency our feelings of disapprobation with regard to the conduct of her Majesty's advisers, in removing you from a command which added ever fresh laurels to British fame, and new glory to the British empire; and from your long residence in Canada, we are aware that experience in our colonial affairs, which every well-wisher of this province knows you are possessed of, and which you can so promptly adopt to the slightest vicissitude of the public mind, ever ready to sustain Her Majesty's supremacy and our constitutional rights, with the arms of the regular soldiers and the valour of the citizen volunteers.

We cannot again refrain from expressing our regret at this unexpected summons, but trust that your Excellency's future days may be unchequered by any trouble—that the rest of your life may be passed in ease, tranquillity, and peace; and that when the Almighty thinks fit to call you to himself, you may be received into eternal rest, and that you may obtain everlasting reward from the King of Kings.

Enclosure 19 in No. 27.

ADDRESS from the MAGISTRATES, CLERGY, and INHABITANTS of the EASTERN DISTRICT, UPPER CANADA.

To his Excellency Sir JOHN COLBORNE, Knight Grand Cross of the most Honourable Military Order of the Bath, Knight Grand Cross of the Hanoverian or Guelphic Order, Governor General and Commander of the Forces in British North America, &c. &c. &c.

Enclosure No. 19.

WE, the undersigned Magistrates, Clergy, and Inhabitants of the Eastern District of Upper Canada, beg leave to assure your Excellency that we cherish with unabated fervour and regard the same sentiments of esteem and confidence, which were expressed towards your Excellency by this province generally, and by this district in particular, on the occasion of your removal from the Government of Upper Canada.

We learnt with the liveliest satisfaction that your Excellency was soon afterwards appointed to the command of the Forces of British North America, as we felt thereby assured of the presence and authority of an officer, on whose character we knew from past experience that we might on any exigency implicitly rely, and whose valuable services the insurrection of 1837 gave us ample reason to appreciate.

We subsequently derived new hope and cheerful anticipations from the appointment of your Excellency to the high and important office of Governor-General of these Colonies, at a period when their affairs presented a most fearful and lowering aspect.

The wise and vigorous administration of public affairs by your Excellency since that period, and your unwearied efforts to suppress disorder and rebellion—to restore tranquillity and to promote the peace and welfare of these portions of Her Majesty's dominions, have still more firmly established your Excellency's character as a soldier, a statesman, and a patriot; and have increased those feelings of veneration and respect which we previously entertained towards your Excellency, and have added to your claims on our deep and lasting gratitude.

We feel the deepest regret that while these provinces are still in so unsettled a position, and while great changes in the system of their Government are contemplated, they should be deprived of the services of your Excellency, whose presence would have continued to give confidence to the loyal, while it would still have carried dismay to the disaffected; and whose judgment, experience, and extensive knowledge of the country, are so well calculated to give wisdom to our councils and vigour to the administration of our affairs.

But above all we desire to take this opportunity of recording our deep sense of the invaluable, and we hope lasting, benefit we have all enjoyed in the very laudable example which your Excellency has on all occasions shown to the inhabitants of these provinces, by your consistent and uniform course of unaffected piety, and strict regard to those religious duties, without a

No. 27.  
 Sir John Colborne  
 To Lord John Russell.  
 20th Nov. 1839.  
 ———  
 Enclosure No. 19.

due attention to which we are fully aware that no administration of government can ever prosper; and also of your judicious endeavours to promote at all times the moral and religious education of the rising generation, of which the valuable institution of Upper Canada College is a lasting memorial.

On the occasion of your Excellency's approaching departure we beg leave to tender to you the tribute of our unfeigned respect and gratitude, and of our sincere wishes for your health, happiness, and prosperity, together with that of Lady Colborne, whose kind condescension, affability, unaffected piety and true Christian charity, have justly endeared her to all classes —accompanied with the expression of our most earnest hope, that your Excellency may receive from our beloved Sovereign the approbation and reward that your long and faithful services have so well merited at her hands.

Cornwall, 1st October, 1839.

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Enclosure 20 in No. 27.

ADDRESS from the INHABITANTS of the COUNTY of HASTINGS, UPPER CANADA.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America, &c. &c. &c.

Enclosure No. 20.

WE, the undersigned Inhabitants of the county of Hastings, in the province of Upper Canada, beg leave respectfully to express to your Excellency our deep and unqualified regret at the announcement of your Excellency's approaching departure from these Colonies. Though the attention of your Excellency has of late been more immediately confined to the Lower Province, where the utmost vigilance of the Government is at all times necessary to suppress rebellion, and when the suspension of the Constitution has thrown the whole burthen of legislative enactments on the Executive Government of your Excellency, the people of Upper Canada feel great pleasure in acknowledging that all matters connected with their peculiar interests, falling under your control, have met with a kind and ready attention on the part of your Excellency.

We beg leave to assure your Excellency, that the acts which rendered your administration of the Government in this Province dear to us, and which, at the time of your recall, elicited such strong marks of approbation of your conduct and sorrow at your departure from the loyal people of this Province, are still fresh in our recollection; and now, that we are to be altogether deprived of the valuable services of your Excellency, call for renewed expressions of the high sense we entertain of the lasting benefits conferred by your Excellency on this Province.

But it is not in matters of mere local and peculiar interest that we are chiefly indebted to your Excellency;—as an integral part of the British Empire, as subjects of the British Crown, as men who would willingly die for the preservation of our glorious connexion with Great Britain, we feel that your Excellency has rendered services to the people of the Two Canadas, and to the Empire at large, the value of which cannot be estimated, and, as such our warmest thanks and approbation are due to your Excellency. Therefore, while we again express our sincere regret at your Excellency's departure, and earnestly hope for the future prosperity and happiness of yourself and family, we assure your Excellency, as an adequate acknowledgment of our many obligations, that your Excellency's Administration will ever be regarded as a bright spot in the dark annals of our Colonial History.

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Enclosure 21 in No. 27.

ADDRESS from the MAGISTRATES of the NEWCASTLE DISTRICT, UPPER CANADA.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General and Commander of the Forces in British North America, &c. &c. &c.

May it please your Excellency,

Enclosure No. 21.

WE, the Magistrates of the district of Newcastle, in the province of Upper Canada, in Quarter Sessions assembled, beg leave to express to your Excellency our sincere regret at your Excellency's expected departure from the Government and Command intrusted to you by our beloved Sovereign at a period of great difficulty. It is to the wisdom and energy displayed by your Excellency, under Divine Providence, that we attribute the defeat of the disaffected in Lower Canada, who had attempted the overthrow of Her Majesty's power in this part of her dominions, while at the same time we feel assured the people of Upper Canada are fully alive to the interests your Excellency has ever taken in the prosperity and welfare of this province, as well during as since the period when they were happily placed under your Excellency's more immediate Government, and that they will be ever grateful for the services your Excellency has rendered them. We beg to assure your Excellency of our entire approbation of your administration of the Government of this and our sister Province, and of our desire that, on your return to the Mother Country, you may enjoy the confidence and esteem of our beloved Sovereign, and reap the reward which a life so eminently devoted to the service of your country justly entitle you to.

Court-House, Cobourg, 9th October, 1839.



Enclosure 22 in No 27.

ADDRESS from the MAGISTRATES and FREEHOLDERS of the DISTRICT OF OTTAWA. Upper Canada.

No. 27.  
Sir John Colborne  
To Lord John Russell.  
20th Nov. 1839.

Enclosure No. 22.

To His Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of the Provinces of British North America, and Commander-in-Chief of her Majesty's Forces therein.

May it please your Excellency,

WE, the undersigned, magistrates and freeholders of the District of Ottawa, in the Province of Upper Canada, beg leave most respectfully to express our profound regret at the approaching departure of your Excellency from the government of these provinces.

As inhabitants of Upper Canada, we had for several years experienced the wisdom and beneficence of your Excellency as Lieutenant-Governor of this province. During the past two years, however, your Excellency has been called upon by our beloved Sovereign to act in a vastly more exalted capacity as the defender of British sovereignty and British interests in the whole of these western colonies of the empire.

The history of your Excellency's administration of the arduous and important duties of Governor-General and Commander-in-Chief forms a brilliant page in the annals of the empire. It is our ardent wish that your Excellency's successor, in the wisdom and energy of his actions and counsels, may imitate the glorious example which your Excellency has thus placed before him. And in that wish, and in the hope that your Excellency will long live to enjoy the honours and rewards which a grateful nation is waiting to bestow upon you, we find our best solace amid the regret and the apprehensions which oppress us on your retirement.

The passage of your Excellency, Lady Colborne, and family, across the Atlantic will be accompanied by the prayers and kindest wishes of the loyal inhabitants of these provinces, among whom we proudly claim the honour and the right to class ourselves.

Ottawa District, 5th October, 1839.

Enclosure 23 in No. 27.

ADDRESS from the WESLEYAN MISSIONARY of BRITISH NORTH AMERICA.

To His Excellency Sir JOHN COLBORNE, Knight GrandCross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor-General of British North America, and Commander-in-Chief in and over the same, &c. &c.

WE, her Majesty's dutiful and loyal subjects, the Chairmen of the Wesleyan Missionary Districts in Lower Canada, Nova Scotia, and New Brunswick, and the Wesleyan Missionaries stationed in those provinces, avail ourselves of the presence amongst us of the Rev. Robert Alder, D.D., one of the General Secretaries of the Wesleyan Missionary Society, to address your Excellency on an occasion so interesting to us and to the people under our pastoral care, as is the completion of the first centenary of our history.

Enclosure No. 23.

During upwards of half a century, our predecessors and ourselves have been actively employed in endeavouring to diffuse throughout various portions of British North America those principles of evangelical truth which are the only sure and permanent basis of individual and social happiness, as well as to enforce those sentiments of Christian loyalty and attachment to those venerable institutions, which have raised our Mother Country to the highest rank amongst the nations of the earth.

It is to us a cause of devout thanksgiving to Almighty God, "by whom kings reign and princes decree justice," that, in the prosecution of their ministerial labours the Wesleyan Missionaries have been favoured with the countenance and protection of those distinguished individuals who have, from time to time, administered the government of these provinces; and we beg permission to add, that the present representatives of our most gracious Sovereign in these colonies manifest the deepest interest in everything connected with the religious and moral improvement of the people under their care. To your Excellency, the Wesleyan Missionary Society is deeply indebted for the attention which you have bestowed, and the important services which your Excellency has rendered to our Indian missions in Upper Canada—services which will not soon be forgotten, either by us, or by that interesting portion of the human family for whose benefit they are intended, and by whom your Excellency is justly regarded as a father and a friend.

We have witnessed with grief and surprise the repeated and wicked attempts which have been made by lawless and unprincipled men to involve Upper and Lower Canada in the horrors of civil war; and to deprive ourselves and our people, in common with others of her Majesty's faithful and loyal subjects in those provinces, of the advantages which they derive from the mild and paternal government under which it is their honour and happiness to live. In the midst of rebellion, and the evils growing out of it, to which some of us and our families have been exposed, we have constantly inculcated, on the congregations under our pastoral care (as a part of the Christian revelation) those lessons of dutiful subjection to our youthful and beloved Sovereign, as supreme, and to governors, as sent by her, which are contained in the sacred volume; and have exhorted them to discharge, with promptitude and fidelity, those

No. 27.  
 Sir John Colborne  
 to Lord John Russell,  
 20th Nov. 1839.  
 Enclosure No. 23.

duties which Christian citizens owe to their rulers and to their country, when wicked men and seducers array themselves against the ordinances of God, and endeavour to destroy the order and peace of society, for the accomplishment of their own selfish and rebellious designs.

Aware, in some measure, of the onerous nature of those duties which your Excellency is called to perform, in the exalted station, in which, by the favour and wisdom of our Sovereign, we rejoice to see your Excellency placed, we shall not sin against God by ceasing to offer our prayers and supplications to the God and Father of our Lord Jesus Christ on your behalf, that your Excellency may continue to be His minister for good to that important portion of the British empire which is intrusted to your care.

May that Great Being, who has hitherto so signally watched over your person, directed your counsels, and crowned your efforts to put down rebellion with such distinguished success, still be your Excellency's defender and keeper, giving you the victory over all the enemies of her Majesty, and of her faithful and loyal people.

By His blessing on your Excellency's endeavours, may lasting peace and happiness, religion and virtue, be established in these provinces; and the ties that connect them with the parent state be so increased and strengthened, that they may long remain and flourish, under her beneficent and imperial sway.

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Enclosure 24 in No. 27.

ADDRESS from the INHABITANTS of NAPIERVILLE and L'ACADIE, Lower Canada.

To his Excellency Lieutenant-General Sir JOHN COLBORNE, G.C.B., Governor-General of British North America.

May it please your Excellency,

Enclosure No. 24.

WE, Her Majesty's dutiful and loyal subjects, inhabitants of Napierville, L'Acadie, and adjacent country, beg leave to approach your Excellency with the sentiments of the highest respect, and to express our sincere regret at your Excellency's approaching retirement from the government of this colony.

When we reflect upon the calamitous state to which this portion of the colony was brought by the too successful machinations of designing and traitorous men, we feel that it is chiefly to your energy and military skill that we, in an especial manner, owe the preservation of all that is dear to us, of our wives and children, and our homes.

We feel in common with all our loyal fellow-subjects in this colony, that your absence from us will not diminish your anxiety for our and their welfare, and that you will add to the invaluable benefits which you have already, under Divine Providence, bestowed upon us (the blessings of peace, and protection of person and property), your advice and recommendation to the authorities at home to carry into effect, to mature, and perfect such measures as may seem to you best calculated to maintain the peace, and forward the prosperity of this portion of Her Majesty's dominions.

On thus taking leave of your Excellency, we beg to be permitted to offer our sincere wishes that yourself, Lady Colborne, and your family, may have a safe and propitious voyage to England; that you may there receive those honours and rewards so justly due to your long, faithful, and successful services to your sovereign and country, and that you may for many years be blessed with uninterrupted health and happiness.

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Enclosure 25 in No. 27.

Copy.]

ADDRESS from the JOHNSTOWN DISTRICT.

To his Excellency Sir JOHN COLBORNE, &c. &c. &c.

Enclosure No. 25.

WE, the inhabitants of the district of Johnstown, most respectfully beg leave to assure your Excellency, that the confidence we have hitherto reposed in your Excellency's integrity, and ability to discharge the arduous duties imposed on your Excellency in these provinces, continues firm and unabated, and we beg leave to express our most grateful feelings for the paternal care you have always manifested for the prosperity, protection, and happiness of this province.

We regret that the time of your continuance with us has nearly terminated, and we confidently believe your Excellency, on retiring from a duty fraught with such intense anxiety and care, will enjoy the consolation, that you leave behind you lasting impressions of respect and esteem, and that you carry with you the greatest boon the country can bestow—the hearts of the people.

In now taking leave of your Excellency, permit us to wish you, Lady Colborne, and family, a pleasant and safe return to your native land. May the blessings of Divine Providence rest upon you; may your days be many; and may peace, health, and happiness ever attend you.

Brockville, 9th October, 1839.

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Enclosure 26 in No. 27.

## ADDRESS from the MEMBERS of the COMMITTEE of TRADE of QUEBEC.

No. 27.  
Sir John Colborne  
to Lord John Russell.  
20th Nov. 1839.

Enclosure No. 26.

To his Excellency Lieutenant-General Sir John Colborne, Knight Grand Cross of the Most Honourable Military Order of the Bath, and of the Royal Hanoverian Guelphic Order, Governor-General of all Her Majesty's Provinces in North America, and Captain-General and Governor in Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, &c. &c. &c.

WE, the undersigned Members of the Committee of Trade representing the commercial body of this city, approach your Excellency with profound respect to express our sincere regret at your retirement from the administration of the government of these provinces.

Although your Excellency, in discharge of the arduous duties imposed on you, has been unable to reside amongst us, we beg most gratefully to acknowledge the promptitude with which all our applications have been attended to, and your unceasing exertions to promote the commercial and agricultural interests of these important colonies.

But we owe a still larger debt of gratitude to your Excellency for having, by your energetic measures and military skill, saved the country from all the horrors and calamities of civil war, thereby securing to us an object most dear to us all, the continuance of our connexion with the parent state.

In conclusion, we desire to express to your Excellency our unfeigned admiration of your private virtues not less than your eminent and distinguished public services, and which we feel confident our Gracious Queen and country will justly appreciate and suitably reward. We wish you, Lady Colborne, and family, a safe passage across the Atlantic, and sincerely pray that you may long enjoy the honours which await you in happiness and prosperity.

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# From The Right Honourable C. Poulett Thomson.

(No. 1.)

No. 28.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to  
Lord JOHN RUSSELL.

MY LORD,

Quebec, 19th October, 1839.

I HAVE the honour to inform your Lordship that the Pique anchored under the walls of Quebec on Thursday, the 17th instant, but, being anxious to wait for the arrival of Sir John Colborne from Montreal, I was not enabled to land until to-day, when I opened the Royal Commissions and took the usual oaths of office.

Immediately after my investiture I issued the Proclamation of which I have the honour to enclose a copy.

I have received an Address from the magistrates of this district, of which, as well as of my answer, I transmit copies.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 28.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
19th Oct. 1839.

No. 1:

Nos: 2, 3:

Enclosure 1 in No. 28.

Province of Lower Canada.]

[C. POULETT THOMSON.

Enclosure No. 1.

By his Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

A Proclamation.

THE Queen having been graciously pleased to appoint me to be Governor-General of British North America, I have this day assumed the administration of that office. In the exercise of this high trust it will be my desire no less than my duty to promote to the utmost of my power the welfare of all classes of Her Majesty's subjects. To reconcile existing differences; to apply a remedy to proved grievances; to extend and protect the trade, and enlarge the resources of the colonies intrusted to my charge; above all, to promote whatever may bind them to the Mother Country by increased ties of interest and affection, will be my first and most anxious endeavour. In the pursuit of these objects I shall ever be ready to listen to the representation of all, whilst I shall unhesitatingly exercise the powers confided to me to repress disorder, to uphold the law, and to maintain tranquillity.

The suspension of the constitution in Lower Canada places in the hands of the Executive Government powers of an extraordinary nature, the necessity for which is deeply to be deplored, and which can be justified only by the circumstances of the province. One principal object of my mission will be to determine in what manner, and at what time, this state of things may most safely be brought to a close, and the full benefits of British institutions be restored to Her Majesty's Lower Canadian subjects.

In Upper Canada the loyalty and courage of the inhabitants have preserved her constitution, and maintained the powers of the law through difficulties of the most trying nature. Their exertions during the last two years have been viewed by Her Majesty with the highest satisfaction, and have commanded the applause and admiration of all classes in the Mother Country. It would appear, however, that in that province causes of embarrassment are not wanting. Her trade is said to be cramped, her finances deranged, and the development of her resources impeded.

To devise measures by which these evils may be removed in a manner satisfactory to the inhabitants, will be one of the objects to engage my earliest attention, and I shall rely upon the patriotism of the people, and the wisdom of the legislature, to aid me in the effort.

Animated by the most anxious desire to promote the welfare of these important provinces, to uphold the rights of the crown, by whose confidence I have been honoured, and to advance the true interest of the people to whom I am sent, I confidently call on all those to whom the prosperity of British North America is dear, to unite with me in the work which I have undertaken, and, laying aside all minor considerations, to afford me that assistance and co-operation which can alone enable me to bring my task to a successful issue.

Given under my hand and seal at arms, at the Castle of Saint Lewis, in the city of Quebec, in the said province of Lower Canada, the nineteenth day of October, in the year of our Lord one thousand eight hundred and thirty-nine, and in the third year of Her Majesty's reign.

By his Excellency's hand.

T. W. C. MURDOCH,  
Chief Secretary.

No. 28.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
19th Oct. 1839.  
Enclosure No. 1.

His Excellency the Governor-General has been pleased to make the following appointments :—

To be Secretary to the General Government—T. W. Clinton Murdoch, Esq. ;  
To be Military Secretary and Principal Aide-de-Camp—Major George D. Hall.

Enclosure 2 in No. 28.

ADDRESS from the MAGISTRATES of the CITY and DISTRICT of QUEBEC, to the Right Honourable C. POULETT THOMSON.

To His Excellency the Right Honourable C. POULETT THOMSON, &c. &c. &c.  
May it please your Excellency,

Enclosure No. 2.

WE, Her Majesty's loyal and dutiful subjects, the undersigned Magistrates of the city and district of Quebec, most respectfully congratulate your Excellency on your arrival in this province.

Assigned, in virtue of the royal authority, to watch over the peace and promote the welfare of our fellow citizens, we have the most perfect confidence that our humble efforts will be countenanced and supported in the discharge of those duties by your Excellency, whom it has pleased Her Majesty to intrust with the exercise of the highest power and prerogatives of the crown, within this province ; and it will be a subject of great satisfaction to us, if we should be so fortunate as to merit your Excellency's approbation.

It has been a subject of great regret among our fellow citizens, that they have been deprived, for some time past, of the residence of the Governor-General, which they can only ascribe to the unfortunate state of things which has called for the presence of the Commander of the Forces in the district of Montreal,—the offices of Civil Governor and Military Commander having been held by the same person.

We have no doubt but that your Excellency is fully aware that the city of Quebec, from the earliest periods, has been fixed upon, in consideration of its strength and central position, as the seat of government of all the countries which now form the provinces of British North America. Here have been provided, at great expense, fortifications for the safety of the city and port, appropriate places of deposit for the public archives, collected from all the provinces, and suitable buildings, for the convenience of the public departments, civil and military ; and here is the sole uninterruptible channel of communication with the metropolis, in the season of navigation, and the safe resort of her fleets and armies for the Canadas. Should circumstances permit that your Excellency should establish your residence amongst us, we trust that in the magistracy, and among all classes of our fellow citizens, your Excellency will find a ready disposition to promote the beneficent views of Her Majesty's Government ; and the peace, welfare, and permanent connexion of this province, with the other dominions of our most gracious Sovereign.

We beg most respectfully to assure your Excellency that nothing could be more gratifying to our feelings and wishes than, that the duties of your high station should be discharged happily for the province, and satisfactorily for your Excellency.

Magistrates' Room, City of Quebec,  
Province of Lower Canada, October, 1839.

(Signed) JOHN DAVIDSON,  
NOAH FREER,  
JOHN RACEY,  
EBENEZER BAIRD,  
H. GOWEN,  
C. SMITH,  
WILLIAM PRICE,  
THOS. C. OLIVA,  
HENRY ATKINSON,  
CHRISTIAN HOFFMAN,  
JOHN FRASER,  
J. NEILSON,  
A. ANDERSON,  
W. B. LINDSAY,  
JERI LEAYCRAFT,  
JOHN G. CLAPHAM,  
A. J. WOLFF,  
GEORGE POZER,  
H. N. PATTON,  
JOS. MORRIN,  
T. A. STAYNER,

R. SYMES,  
T. A. YOUNG,  
WM. PHILLIPS,  
JAMES MCKENZIE,  
WILLIAM HARE,  
HENRY PEMBERTON,  
G. H. RYLAND ;

And a French Translation,  
(Signed) JACQUES VOYER,  
LOUIS J. DUFRESNE,  
M. BORNE,  
M. SCOTT,  
A. G. COUILLARD,  
ANT. A. PARENT,  
F. BUTEAU,  
F. X. PARADIS,  
CHARLES DE LONG,  
JOSEPH PARANT,  
JOS. G. JOURANGEAU,  
THOS. WILSON.



Copy.]

Enclosure 3 in No. 28.

ANSWER from the Right Honourable C. POULETT THOMSON to the Address of the Magistrates of the City and District of Quebec.

No. 28.  
Right Hon.  
P. C. Thomson  
to Lord John Russell  
19th Oct. 1839.

Gentlemen,

I THANK you for your address of congratulation on my arrival in this province.

The preservation of the public peace, and the pure administration of justice, are the first wants of a state, and the first duty of a Governor. You may rely with confidence upon receiving from me the most entire support in the discharge of your magisterial functions.

I fully appreciate the political and commercial importance of the city of Quebec. It will afford me sincere satisfaction at all times to contribute to its prosperity, and, when circumstances permit, by residing within its walls, to cultivate the good feelings and regard of its inhabitants.

I receive with confidence the assurance of your co-operation, and that of the inhabitants of your city, in aiding me to promote the peace and happiness of Her Majesty's subjects in this province, by cementing its permanent connexion with the other dominions of the Crown. All my efforts will be directed to that end, and it is with that object alone that I have accepted the trust with which our Sovereign has honoured me.

Quebec, 19th October, 1839.

Enclosure No. 3.

No. 29.

(No. 2.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

No. 29.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
22nd Oct. 1839.

MY LORD,

Quebec, 22nd October, 1839.

I HAVE the honour to inform your Lordship that I yesterday held a levee at the Castle of St. Lewis, which was attended by all the principal inhabitants of Quebec and its environs without distinction of parties. I afterwards received from a numerous deputation of the merchants the Address, of which, and of my answer, I herewith transmit copies. I have much satisfaction in reporting these proofs that the efforts made in some quarters to prejudice the minds of the people of Canada, against the selection which Her Majesty was graciously pleased to make of Governor of British North America, have been unsuccessful, at least in Quebec.

I proceed to Montreal this evening, where, in conformity with your Lordship's directions, I shall take an early opportunity of conferring personally with Sir George Arthur on the affairs of the Upper Province.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure in No. 29.

COPY of an ADDRESS from the COMMITTEE of TRADE at QUEBEC.

The Right Hon. CHARLES POULETT THOMSON, Governor-General of British North America and Governor-in-Chief in and over the Province of Lower and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c.

Enclosure.

May it please your Excellency.

WE, the undersigned composing the Committee of Trade of Quebec, beg leave respectfully to congratulate your Excellency upon your arrival in this colony.

Merchants ourselves, and representing the mercantile community of this city, it is, we assure your Excellency, with no small degree of pride and satisfaction, that we see the Government of the country entrusted to one who himself has been a merchant, and notwithstanding that the opinions understood to have been entertained by your Excellency in regard to a most important branch of the trade of this country, differ very materially from ours, we have never doubted but that from the moment of your undertaking the Government of these colonies, your strenuous and unbiassed efforts would be directed to the promotion of their interests, commercial as well as political.

We are fully persuaded that the withdrawing of that protection hitherto afforded to the timber trade of the British North American colonies, would be not only fatal to their prosperity, by destroying their great staple trade, and weakening the bonds that now happily unite them to the mother country, but also highly injurious to the commercial interests of the empire at large. We therefore confidentially hope, that when your Excellency's mind shall

No. 29.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
22nd Oct. 1839.

Enclosure.

have been more particularly applied to this subject, you will be satisfied that it involves the question of supporting or abandoning those important elements of national strength and greatness, ships, colonies, and commerce.

The undertaking in which your Excellency has engaged, is a great and arduous one. To establish permanent tranquillity, and a just, firm, and steady system of government in the country; to draw forth and develop its great latent resources by promoting the improvement of those extraordinary national facilities for internal communications which it possesses, to revive and encourage its drooping agriculture; to foster and protect its struggling commerce, and to recall to its shores, the tide of emigration, now diverted to other channels; are tasks not to be accomplished without encountering many difficulties.

That these difficulties may be overcome under your Excellency's administration, we most sincerely pray, and to every measure of your Excellency tending to this great end, we beg most respectfully, on behalf of ourselves and those whom we represent, to tender you our unreserved and cordial support and co-operation.

Quebec, 19th October, 1839.

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COPY of the ANSWER to an ADDRESS from the COMMITTEE of TRADE at QUEBEC.

I thank you sincerely for your Address.

Bred a British merchant myself, the good opinion of those who follow the same honourable career is to me naturally and justly dear.

You may rely upon my attention to the great interests you represent. Whatever acquaintance into commercial subjects, I may have acquired by my early pursuits, or through my later duties, will be earnestly and zealously devoted to the consideration of all that relates to the trade of these colonies, and with an honest endeavour to promote their prosperity as connected with that of the British empire.

I feel with you that the undertaking before me is most arduous; but the end proposed is a noble one. These provinces possess an almost unrivalled field for commerce and for industry; all the elements of wealth and prosperity. Their advance is checked, and their development impeded by causes which I sincerely believe it is in your power to remove. The Imperial Legislature, and Her Majesty's Government are most anxious to do their part towards this important object, and if you who hold so high a place in this community will cordially co-operate with me, I feel the utmost confidence that our labours will not be vain.

To that end and the advancement of every object that may contribute to the tranquility and happiness of the possessions of the British Crown, all my efforts will be devoted.

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No. 30.

(No. 4.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Government House, Montreal, 31st October, 1839.

I HAVE the honour to inform your Lordship that I arrived in this city on the evening of Wednesday the 23rd instant, having embarked at Quebec on the preceding afternoon. In consequence of indisposition I was compelled to land immediately, instead of waiting until the next day, as I had intended to do.

On Saturday I received from a large body of the magistrates of this city, the address, of which, and of my answer, I enclose herewith copies; and I afterwards held a levee, which was very numerously attended. Sir George Arthur, the Lieutenant-Governor of Upper Canada, arrived on Friday evening, in consequence of the instructions which he had received from your Lordship.

I am happy in reporting to your Lordship, that as far as it has hitherto been possible to ascertain, this province is quiet at the present moment. It must not, however, be supposed that the feeling of the French Canadian population is changed, although a sense of their weakness, and of the great power of the Executive Government in Canada, keeps them from any acts of insubordination. They appear now also to despair of obtaining from the United States that assistance on which they formerly calculated as their greatest support, in attempting to overthrow the constitution of the province, especially since the convictions which have been obtained in the United States of some of the brigands—the last that of Van Ransaleer—which have undoubtedly produced a good effect.

It is most important, however, that security should be taken against the efforts of designing men to mislead and delude the peasantry, and I shall not

No. 30.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
31st Oct. 1839.



hesitate to propose to my Special Council the renewal of such of the ordinances having this object in view, as may be near their expiration.

I have had repeated conversations with Sir George Arthur on the state of Upper Canada, and I learn from him that in that province there is no prospect of any serious disturbance. It is my intention to proceed to Toronto about the 18th of next month, and I have directed Sir George Arthur to summon the Legislature of that province to meet me on the 3rd December.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 30.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
31st October, 1839.

Enclosure 1 in No. 30.

COPY of an ADDRESS from the MAGISTRATES of the DISTRICT of MONTREAL.  
Province of Lower Canada, District of Montreal.

Encl. 1 in No. 30.

To His Excellency the Right Hon. CHARLES POULETT THOMSON, Governor-General of British North America, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's Justices of the Peace for the district of Montreal, resident in this city, respectfully approach your Excellency to solicit permission to offer to your Excellency our felicitation on your assumption of the exalted office of Governor-General of British North America, to which you have been advanced by our Gracious Sovereign, and to welcome your Excellency on your arrival in this city, the municipal affairs of which are placed under our direction.

It is highly satisfactory to us to be enabled to assure your Excellency that, as far as our knowledge extends, this district is in a state of undisturbed tranquillity.

Our reliance on your Excellency's wisdom, in the exercise of the high powers with which you have been invested, leads us fondly to anticipate the enjoyment at no distant day of the blessings of peace and prosperity, the fruits of a well-ordered constitutional Government.

We beg humbly to assure your Excellency that we shall always be found ready to lend our firm support to your Excellency in the administration of the Government, by the zealous discharge of the public duties assigned to us by law.

Montreal, 26th October, 1839.

Enclosure 2 in No. 30.

COPY of an ANSWER to the ADDRESS from the MAGISTRATES of MONTREAL.

Gentlemen,

Enclosure No. 2.

I THANK you sincerely for your address.

I received with great satisfaction your assurance of the present undisturbed tranquillity of this district. It is my determination, by a firm and impartial exercise of the powers intrusted to me, to maintain that tranquillity. You may rely with confidence upon receiving my cordial support in the discharge of your duties.

It is the earnest desire of our Gracious Sovereign that those blessings which you truly describe as the fruits of a well-ordered and constitutional Government should be enjoyed by this portion of her dominions.

It is to promote the re-establishment of such institutions, securing alike the rights of the crown and the liberties of the people, that I appear amongst you; and I shall look with confidence for the co-operation of all Her Majesty's loyal subjects to assist me in my endeavours.

No. 31.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to  
Lord JOHN RUSSELL.

MY LORD, Government House, Montreal, 1st Nov., 1839.

I HAVE the honour to inform your Lordship, that after several communications with Sir George Arthur, I have determined on proceeding to the Upper Province about the middle of this month, and I have requested Sir George Arthur, who left this city for Toronto yesterday, to summon the Provincial Legislature for Tuesday the 3rd of December, when it is my intention to meet them and open the Assembly in person.

I have been led to this determination, after the best consideration which I have been enabled to give to the circumstances, both of this and the other province, as well as to the object of my mission.

No. 31.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
1st November, 1839.

No. 31.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
1st Nov., 1839.

So far as I can form an opinion, either from what I have heard from Sir John Colborne, or from what I have myself learnt since his departure from this country, there is no danger of any immediate disturbance of the public peace in this province, either by the disaffected within it, or by the sympathizers on the frontier. My presence in the Lower Province is not, therefore, requisite on that score. There are, undoubtedly, many objects of great importance in Lower Canada, demanding my attention, but they are comparatively not of a pressing description, and however desirous I am of devoting my time to measures of improvement here, I still feel that I shall have the opportunity of doing so hereafter with as much effect as now, and probably with a better opportunity of fully maturing, with my Special Council, such ordinances as may be required.

The state of communications in this country makes it necessary that I should either proceed to Toronto within the time I have named, or defer my journey for a couple of months, there being no certainty of the road being passible during the interval which elapses between the breaking up of the Summer roads, and the establishment of the trainage. Were I therefore, to defer my journey for the purpose of devoting myself for a few weeks longer to the consideration of Lower Canada matters, I might endanger the possibility of arriving at Toronto before the end of January, a circumstance which, whether I consider the condition of both provinces, or the great importance of your Lordship and Her Majesty's Government, being furnished with correct information upon the measures to be submitted to Parliament, could not but be highly prejudicial.

The information which I have received, and the various communications, I have made it my business to have with all parties in the province, lead me also to believe that so far as Lower Canada is concerned, an union with the Upper Province upon just and equitable principles is greatly desired by the vast majority of the intelligent of all parties, and I expect to have acquired, before my departure, sufficient information as to details, to be enabled to enter upon their consideration with a full knowledge of what is demanded here, if the opinion of the inhabitants of Upper Canada shall be equally in favour of the measure.

Upon these considerations I have come to the first determination which I have had the honour to state to your Lordship.

With regard to the second step, viz. calling together the Assembly, I have arrived at that conclusion only after considerable doubt and very serious and repeated deliberation; for although the opinion of Sir George Arthur, who strongly urged upon me the propriety of doing so, had justly much weight with me, I cannot but feel that the decision is one of great importance.

I should have been very desirous of ascertaining, by a personal residence of some time within the province, the state of public opinion there, before coming to any determination upon the subject. The time which must necessarily be employed for that purpose after my arrival there, three weeks hence, would, however, throw back the meeting of the Assembly, if I decided on calling it together, or that of a new Assembly, should I have found it expedient to adopt that course, for a very considerable time, and be the cause of serious delay, to which I am unwilling to expose myself. It appeared, therefore, to me necessary to decide either upon dissolving at once, or upon at once calling together the present Assembly.

There may be some arguments in favour of submitting the questions proposed by Her Majesty's Government respecting the future constitution of the province, to a new assembly, summoned *ad hoc*. But there is little in the character of the present Assembly which should render it an improper tribunal to adjudge upon this particular matter; certainly nothing to justify me in appealing to the people, without in the first instance testing their sentiments. It is always in my power to make that appeal, without incurring much greater delay, if I should see reason to think that the present body does not fairly represent the popular mind upon the important subjects I shall have to bring before them, whilst I cannot but feel that it is highly desirable, in the state in which the province is represented to me to be, that no unnecessary excitement should be created; and it certainly cannot be said that a body of men who, in the course of a very short time, must necessarily be sent back to their constituents, are likely to be very deaf to whatever may be the popular feeling upon a great question.



Another consideration has also weighed with me. If the Legislature of Upper Canada should declare decidedly in favour of the union of the provinces, and agree to terms which the Imperial Parliament may adopt and pass into law, it appears to me, from all I can learn of the state of public opinion here, that the measure may be brought into practical operation at a very early period, in which case it would be desirable that the Upper Province should not be subjected to two general elections within a short space of time; one for the Provincial, and a second for the United Assembly.

Upon these grounds, my Lord, I have formed my decision, of which I hope that your Lordship and Her Majesty's Government will approve.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 31.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
1st Nov. 1839.

(No. 8.)

No. 32.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Government House, Montreal, 16th Nov. 1839.

I HAVE the honour to inform your Lordship, that I summoned the special council to meet on Monday last, the 11th instant.

For the reasons which I have stated to your Lordship in another despatch, I made no change in the members composing it. The chief justice of the province having, however, attended in his place, I of course named him to preside in my absence instead of the gentleman who had previously performed that duty, who was selected, I believe, as the senior member of the council.

I expect that great advantage will result from the presence of the chief justice in the council, and from his presiding over its deliberations, which I find are not carried on in the presence of the Governor-general; and I am happy to say, that this opinion is common to all the members of the council.

I renewed the ordinance for the suspension of the Habeas Corpus, which would otherwise have expired on the 1st January next, to the 1st June 1840, and another ordinance for the seizure of arms, and have adjourned the meetings of the council until my return from the Upper Province.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 32.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
16th Nov. 1839.

No. 1.  
No. 2.

P. S.—I enclose, for her Majesty's sanction, authenticated copies of the renewed ordinances above mentioned.

Enclosure 1 in No. 32.

No. 115.

AN ORDINANCE further to continue, for a limited time, a certain Ordinance, relative to persons charged with High Treason, suspicion of High Treason, Misprision of High Treason, and Treasonable Practices.

WHEREAS it is expedient further to continue, for a limited time, the Ordinance herein-after mentioned: BE it therefore Ordained and Enacted by his Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled "An Act to make temporary provision for the Government of Lower Canada," And it is hereby Ordained and Enacted by the authority of the same, that the Ordinance made and passed in the Second year of Her Majesty's Reign, chapter four, intituled, "An Ordinance to authorize the apprehension and detention of persons charged with High Treason, Suspicion of High Treason, Misprision of High Treason, and Treasonable Practices, and to suspend for a limited time, as to such persons, a certain Ordinance therein mentioned, and for other purposes," shall remain in force; and the Ordinance thereby suspended, made in the Twenty-fourth year of the Reign of King George the Third, intituled "An

Enclosure No. 1.

No. 32.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
16th Nov., 1839.

Ordinance for securing the Liberty of the Subject and for the prevention of imprisonment out of this Province," shall further continue to be and remain suspended, until the first day of June, One thousand eight hundred and forty; and no longer.

(Signed)

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the city of Montreal, the fourteenth day of November, in the Third year of the Reign of our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and thirty-nine.

By his Excellency's Command,

(Signed)

W. B. LINDSAY.  
Clerk Special Council.

I hereby certify the above to be a true copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, on the fourteenth day of November, One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

(Signed)

WM. B. LINDSAY,  
Clerk Special Council.

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Enclosure 2 in No. 32.

No. 116.

AN ORDINANCE to continue for a limited time, a certain Ordinance, relative to the seizing and retaining for a limited time of Gunpowder, Arms, Weapons, Lead, and Munitions of War.

Encl. 2 in No. 32.

WHEREAS it is expedient to continue for a limited time the Ordinance hereinafter mentioned; BE it therefore Ordained and Enacted by his Excellency the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, constituted and assembled by virtue of and under the authority of an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the Reign of Her present Majesty, intituled, "An Act to make temporary provision for the Government of Lower Canada," And it is hereby Ordained and Enacted by the authority of the same, that the Ordinance made and passed in the Second year of Her Majesty's Reign, chapter two, intituled, "An Ordinance to authorize the seizing and detaining for a limited time, of Gunpowder, Arms, Weapons, Lead, and Munitions of War," and all and every the matters and things therein mentioned and contained, shall further continue to be and remain in force until the first day of June, One thousand eight hundred and forty, and no longer.

(Signed)

C. POULETT THOMSON.

Ordained and Enacted by the authority aforesaid, and passed in Special Council, under the Great Seal of the Province, at the Government House, in the city of Montreal, the fourteenth day of November, in the Third year of the Reign of our Sovereign Lady Victoria, by the grace of God, of Great Britain and Ireland Queen, Defender of the Faith, and so forth, and in the year of our Lord One thousand eight hundred and thirty-nine.

By his Excellency's Command,

(Signed)

W. B. LINDSAY,  
Clerk Special Council.

I hereby certify the above to be a true copy of an Ordinance passed by the Governor of the Province of Lower Canada, by and with the advice and consent of the Special Council for the affairs of the said Province, on the fourteenth day of November, One thousand eight hundred and thirty-nine, and in the Third year of Her Majesty's Reign.

(Signed)

WM. B. LINDSAY,  
Clerk Special Council.



(No. 12.)

No. 33.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Government House, Montreal, 18th November, 1839.

No. 33.  
The Right Hon. C.  
Poulett Thomson to  
Lord John Russell.  
November 18, 1839.

I HAVE the honour to inform your Lordship, that having summoned the Special Council by proclamation to meet on Monday, the 11th instant, I then submitted to them the question of the re-union of the two provinces of Upper and Lower Canada, and solicited their opinion respecting it.

On Thursday, the 14th instant, I received from that body the address of which, and of my answer, I have the honour to enclose copies; and I likewise transmit an extract from the journals, from which your Lordship will learn their proceedings.

I beg your Lordship to remark, that the members composing the Special Council remain the same as during the administration of my predecessor. It may be necessary hereafter, in the exercise of my discretion, to make some alterations, with a view to increase the efficiency of that body; but I felt, that as the opinions of Her Majesty's Government in regard to the union are well known, it was extremely desirable that I should, if possible, submit the consideration of that important question to a Council in whose selection I had myself had no voice.

It appeared to me that to secure due weight in the mother country to the judgment of a body so constituted, it was indispensable to avoid even the possibility of an imputation that I had selected for its members those only whose opinions coincided with my own.

I had moreover every reason to believe, from the motives which guided my predecessor in his choice, that the Council contains a very fair representation of the state of feeling in the different districts of the province.

For these reasons I determined on making no alteration whatever; and it is with great satisfaction that I can now refer to the opinions of this body adopted almost unanimously. Their views as to the urgency of the union, and the advantages likely to result from it to the province, are set forth in their address in terms so forcible as to leave me nothing to say with reference to their opinion. But I must add, that it is my decided conviction, grounded upon such other opportunities as I have enjoyed since my arrival in this country of ascertaining the state of public feeling, that the speedy adoption of that measure by Parliament is indispensable to the future peace and prosperity of this province.

All parties look with extreme dissatisfaction at the present state of government. Those of British origin, attached by feeling and education to a constitutional form of Government, although they acquiesced at the time in the establishment of arbitrary power, as a refuge from a yet worse despotism, submit with impatience to its continuance, and regret the loss, through no fault of their own, of what they consider as their birthright. Those of the French Canadians who remained loyal to their Sovereign and true to British connexion share the same feelings. Whilst among those who are less well-affected or more easily deceived, the suspension of all constitutional rights affords to reckless and unprincipled agitators a constant topic of excitement.

All parties, therefore, without exception, demand a change. On the nature of that change there exists undoubtedly some difference of opinion.

In a country so lately convulsed, and where passions are still so much excited, extreme opinions cannot but exist; and accordingly, while some persons advocate an immediate return to the former constitution of this province, others propose either the entire exclusion from political privileges of all of French origin, or the partial dismemberment of the province, with the view of conferring on one portion a representative system, while maintaining in the other a despotism.

I have observed, however, that the advocates of these widely different opinions have generally admitted them to be their aspirations, rather than measures which could practically be adopted, and have been unable to suggest any course except the union, by which that at which they aim, namely, constitutional government for themselves, could be permanently and safely established.

There exists, too, even amongst these persons, a strong and prevailing desire that the Imperial Legislature should take the settlement of Canadian affairs at once into its own hands, rather than that it should be delayed by a reference to individual opinions, or to the schemes which may be put forward by different sections of local parties.

The large majority, however, of those whose opinions I have had the opportunity of learning, both of British and French origin, and of those, too, whose character

No. 1.  
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No. 33.  
The Right Hon. C.  
Poulett Thomson to  
Lord John Russell.  
November 18, 1839.

and station entitle them to the greatest authority, advocate warmly the establishment of the union, and that upon terms of perfect fairness, not merely to the two provinces, but to the two races within this province. Of the extent to which this feeling, with regard to the upper province, is carried, your Lordship will find a most conclusive proof in the resolution of the Special Council respecting the debt of Upper Canada. By this resolution a large sum, owing by that province on account of public works of a general nature, is proposed to be charged on the joint revenues of the United Province. Upon other details of the arrangement the same feeling prevails. It would be, however, useless for me to trouble your Lordship with respect to them, until I have had the opportunity of ascertaining the views and opinions entertained by the people of Upper Canada. If, however, as I trust, the principle of re-union should meet with their assent, I am of opinion that it can only be in consequence of demands of an unwarrantable character upon their part, that difficulty will arise in settling the principal terms.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

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Enclosure 1 in No. 33.

Enclosure No. 1.

To his Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's most Honourable Privy Council, Governor-General of British North America, and Captain-General, and Governor-in-Chief, in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Special Council for the affairs of Lower Canada, at a meeting convened by your Excellency, under the authority, and in pursuance of the statute in this behalf provided, beg leave respectfully to return to your Excellency our thanks for your considerate care of the interests of this province, in having called our attention to Her Majesty's gracious message to both Houses of the Imperial Parliament, relative to the reunion of the provinces of Upper and Lower Canada, upon which important subject your Excellency has been pleased to desire the opinion of the Special Council.

In conformity with the desire of your Excellency, we have applied our deliberate consideration to the various complex interests and objects involved in the measure of reuniting the two provinces, and we most heartily express our humble gratitude to Her Majesty, for having granted her high sanction to a measure, which from our local knowledge and the experience we have had of the government of these provinces, and of their past and present political state, we deem to be essential to their future peace and welfare, and for the good, constitutional, and efficient government of them, under the protecting care and authority of Her Majesty, and the adoption of which we are intimately convinced has become of indispensable and urgent necessity.

In considering this contemplated measure, we have directed our attention to a few of the more prominent and important provisions, fit, as we conceive, to be embraced in it; and the views entertained by us on them, as well as on the measure itself, we have embodied in certain resolutions, which we have now the honour humbly to submit to your Excellency, as containing our opinion of the important subject, respecting which it has pleased your Excellency to consult us.

Special Council, Montreal, 14th November, 1839.

(Signed) J. STUART,  
Chairman.

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Special Council, Wednesday, 13th November, 1839.

Resolved—That under existing circumstances, in order to provide adequately for the peace and tranquillity, and the good, constitutional, and efficient government of the provinces of Upper and Lower Canada, the reunion of these provinces under one legislature, in the opinion of this Council, has become of indispensable and urgent necessity.

Resolved—That the declared determination of Her Majesty, conveyed in Her gracious message to Parliament to reunite the provinces of Upper and Lower Canada, is in accordance with the opinion entertained by this Council, and receives their humble and ready acquiescence.

Resolved—That among the principal enactments, which, in the opinion of this Council, ought to make part of the Imperial Act for reuniting the provinces, it is expedient and desirable that a suitable civil list should be provided for securing the independence of the judges, and maintaining the executive government in the exercise of its necessary and indispensable functions.

Resolved—That regard being had to the nature of the public debt of Upper Canada, and



the objects for which principally it was contracted, namely, the improvement of internal communications, alike useful and beneficial for both provinces, it would be just and reasonable, in the opinion of this Council, that such part of said debt, as has been contracted for this object, and not for defraying expenses of a local nature, should be chargeable on the revenues of both provinces.

Resolved—That the adjustment and settlement of the terms of the reunion of the two provinces, may, in the opinion of this Council, with all confidence be submitted to the wisdom and justice of the Imperial Parliament, under the full assurance that provisions of the nature of those already mentioned, as well as such others as the measure of reunion may require, will receive due consideration.

Resolved—That in the opinion of this Council, it is most expedient with a view to the security of Her Majesty's North American provinces, and the speedy cessation of the enormous expense now incurred by the parent state for the defence of Upper and Lower Canada, that the present temporary legislature of this province should, as soon as practicable, be succeeded by a permanent legislature, in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained.

(Signed) WILLIAM B. LINDSAY,  
Clerk Special Council.

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 18, 1839.

Enclosure No. 1.

Enclosure 2 in No. 33.

GENTLEMEN,

I THANK you for the prompt attention you have given to the important subject on which I desired to consult you.

It will afford me great satisfaction to convey to Her Majesty's advisers the opinions which you have recorded, and I can assure you that they will receive from the Imperial Legislature, and from the Government, the consideration which is so justly due to them.

My best attention will be directed to the important suggestions contained in your resolutions, and it will be most gratifying to me to promote the accomplishment of your wishes.

Montreal, 14th November, 1839.

Enclosure No. 2.

Enclosure 3 in No. 33.

Journals of the Special Council of Lower Canada. Anno Tertio. Victoria Regina.

At a Session of the Special Council, begun and holden at the Government House, in the city of Montreal, in pursuance of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, entitled, "An Act to make temporary provision for the Government of Lower Canada."

Enclosure No. 3.

MONDAY, 11th November, 1839.

Present :

His Excellency the Right Hon. Charles Poulett Thomson, Governor-General.

Messrs. Cuthbert,

Pothier,

De Léry,

Moffatt,

M'Gill,

De Rocheblave,

Messrs. Neilson,

Gerrard,

Quesnel,

Christie,

Walker, and

Molson.

Prayers.

The Honourable the Chief Justice of the Province, the Honourable Robert Unwin Harwood, and Messrs. Edward Hale, of Sherbrooke, and John Wainwright, having previously taken the prescribed oath and subscribed the roll, containing the same, took their seats at the council table.

His Excellency proposed to the Council for consideration and adoption the following Ordinances, which were severally read for the first time :—

An Ordinance to continue for a limited time a certain Ordinance relative to the seizing and detaining for a limited time of gunpowder, arms, weapons, lead, and munitions of war.

An Ordinance further to continue for a limited time a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices.

An Ordinance to incorporate the ecclesiastics of the Seminary of Saint Sulpice, of Montreal, to confirm their title to the fief and seigniority of the island of Montreal, the fief and seigniority of the Lake of the Two Mountains, and the fief and seigniority of Saint Sulpice, in this Province; to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes.

His Excellency was then pleased to name the Honourable the Chief Justice of the Province to preside at the Council during his Excellency's absence.

The Governor-General called the attention of the Special Council to Her Majesty's gracious

No 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 18, 1830.  
Enclosure No. 3.

Message to both Houses of Parliament of the 3d of May last, relative to the legislative re-union of the Provinces of Upper and Lower Canada.

His Excellency explained to the Council the views entertained by Her Majesty's Government upon this subject, and the anxious desire felt by Parliament and the British people that a settlement of the questions relating to the Canadas should be speedily arrived at, by which an end might be put to the present suspension of the constitution in the lower province, the resources of both might receive their full development, and the peace and happiness of all Her Majesty's Canadian subjects might be effectually secured.

His Excellency stated that it was with this view that Her Majesty's advisers proposed the re-union of the provinces to Parliament, and were prepared to proceed with that measure. Mutual sacrifices were, undoubtedly, required; mutual concessions would be demanded, but his Excellency entertained no doubt that the terms of union could be adjusted by the Imperial Legislature with fairness to both provinces, and with the utmost advantage to all within them.

His Excellency requested to be favoured with the opinion of the Council on this important subject.

His Excellency then withdrew.

The Honourable the Chief Justice of the province took the chair.

On motion of the Honourable Mr. Neilson, seconded by the Honourable Mr. De Léry—

Ordered,—That an Ordinance to continue for a limited time, a certain Ordinance relative to the seizing and detaining, for a limited time, of gunpowder, arms, weapons, lead, and munitions of war, be read a second time at the next sitting day.

On motion of Mr. Gerrard, seconded by the Honourable Mr. Neilson—

Ordered,—That an Ordinance further to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, be read a second time at the next sitting day.

On motion of the Honourable Mr. De Rocheblave, seconded by Mr. Quesnel—

Ordered,—That an Ordinance to incorporate the ecclesiastics of the seminary of Saint Sulpice, of Montreal, to confirm their title to the fief and seigniority of the island of Montreal, the fief and seigniority of the Lake of the Two Mountains, and the fief and seigniority of Saint Sulpice, to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes, be read a second time at the next sitting day.

On motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. M'Gill—

Resolved—That the communication made this day by his Excellency the Governor-General, and entered on the journals, in reference to the re-union of the provinces of Lower and Upper Canada, be taken into consideration in a committee of the whole Council to-morrow.

Then

On motion of the Honourable Mr. M'Gill, seconded by the Honourable Mr. De Rocheblave,—

The Council adjourned until to-morrow, at 10 o'clock A.M.

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TUESDAY, 12th November, 1839.

Present:

The Honourable the Chief Justice, Presiding Member.

Messrs. Cuthbert.  
Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.  
Neilson.  
Gerrard.

Messrs. Quesnel.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke, and  
Wainwright.

Prayers.

An Ordinance to continue for a limited time, a certain Ordinance relative to the seizing and detaining for a limited time of gunpowder, arms, weapons, lead, and munitions of war, was, according to order, read a second time.

The question of concurrence having then been put upon the said Ordinance, it was agreed to unanimously.

On motion of the Honourable Mr. Neilson, seconded by the Honourable Mr. De Léry,

Ordered,—That the said Ordinance be fairly transcribed.

An Ordinance further to continue for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, was, according to order, read a second time.



The question of concurrence having then been put upon the said Ordinance, it was agreed to unanimously.

On motion of Mr. Gerrard, seconded by Mr. Walker,

Ordered,—That the said Ordinance be fairly transcribed.

The order of the day for the second reading of an Ordinance to incorporate the Ecclesiastics of the Seminary of St. Sulpice of Montreal, to confirm their title to the fief and seigniory of the Island of Montreal, the fief and seigniory of the lake of the Two Mountains, and the fief and seigniory of St. Sulpice, in this province; to provide for the gradual extinction of seigniorial rights and dues, within the seigniorial limits of the said fiefs and seigniories, and for other purposes: being read.

On motion of the Honourable Mr. De Rocheblave, seconded by Mr. Quesnel,

Ordered,—That the said order of the day be discharged.

According to order the Council was put into a committee of the whole, to take into consideration the communication made yesterday, by his Excellency the Governor-General, and entered on the Journals, in reference to the reunion of the provinces of Lower and Upper Canada. After some time, the Council was resumed, and Mr. Hale of Sherbrooke reported from the said Committee, "That they had come to several resolutions upon the said communication, which he delivered in at the table.

Ordered,—That the question of concurrence be put on the said resolutions on the next sitting day.

Then, on motion of Mr. Walker, seconded by Mr. Wainwright,  
The Council adjourned until to-morrow at noon.

WEDNESDAY, 13th November, 1839.

Present:

The Honourable the Chief Justice, Presiding Member.

Messrs. Cuthbert.

Pothier.

De Lery.

Moffatt.

M'Gill.

De Rocheblave.

Neilson.

Messrs. Gerrard.

Quesnel.

Christie.

Walker.

Molson.

Harwood and

Hale of Sherbrooke.

Prayers.

The order of the day being read for the question of concurrence being put on the resolutions reported yesterday by the Committee of the whole Council, on his Excellency the Governor-general's communication, in reference to the reunion of the provinces of Lower and Upper Canada.

The said Resolutions being then read, are as followeth:—

1. Resolved—That under existing circumstances, in order to provide adequately for the peace and tranquillity, and the good, constitutional, and efficient government of the provinces of Upper and Lower Canada, the reunion of these provinces under one Legislature, in the opinion of this Council, has become of indispensable and urgent necessity.
2. Resolved—That the declared determination of Her Majesty, conveyed in Her gracious Message to Parliament, to reunite the provinces of Upper and Lower Canada, is in accordance with the opinion entertained by this Council, and receives their humble and ready acquiescence.
3. Resolved—That among the principal enactments which, in the opinion of this Council, ought to make part of the Imperial Act for re-uniting the provinces, it is expedient and desirable that a suitable civil list should be provided for securing the independence of the judges, and maintaining the executive government in the exercise of its necessary and indispensable functions.
4. Resolved—That regard being had to the nature of the public debt of Upper Canada, and the objects for which principally it was contracted, namely, the improvement of internal communications alike useful and beneficial for both provinces, it would be just and reasonable, in the opinion of this Council, that such part of said debt as has been contracted for this object, and not for defraying expenses of a local nature, should be chargeable on the revenues of both provinces.
5. Resolved—That the adjustment and settlement of the terms of the re-union of the two provinces may, in the opinion of this Council, with all confidence, be submitted to the wisdom and justice of the Imperial Parliament, under the full assurance that provisions of the nature of those already mentioned, as well as such others as the measure of re-union may require, will receive due consideration.
6. Resolved—That in the opinion of this Council, it is most expedient, with a view to the security of Her Majesty's North American provinces, and the speedy cessation of the enormous expense now incurred by the parent state for the defence of Upper and Lower Canada, that the present temporary legislature of this province should, as soon as practicable, be succeeded by a permanent legislature, in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained.

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 18, 1839.

Enclosure No. 3.

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 14, 1839.  
Enclosure No. 3.

The first and second of the said resolutions being again read, and the question being separately put thereon, the Council divided upon each.

## YEAS.

The Honourable the Chief Justice.  
Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

## NAYS.

Mr. Cuthbert.

Mr. Quesnel.

Mr. Neilson.

So they were carried in the affirmative.

The third of the said resolutions being again read, and the question being put thereon, the Council divided on the same.

## YEAS.

The Honourable the Chief Justice.  
Messrs. Cuthbert.  
Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Quesnel.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

## NAYS.

Mr. Neilson.

So it was carried in the affirmative.

The fourth, fifth, and sixth of the said resolutions being again read, and the question being separately put thereon, the Council divided upon each.

## YEAS.

The Honourable the Chief Justice.  
Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

## NAYS.

Mr. Cuthbert.

Mr. Neilson.

Mr. Quesnel.

So they were carried in the affirmative.

On the motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. M'Gill,—  
Resolved—That an humble address be presented to his Excellency the Governor-General, submitting to his Excellency the foregoing resolutions.

Then, on motion of the Honourable Mr. M'Gill, seconded by the Honourable Mr. Moffatt, the Council adjourned.

THURSDAY, 14th November, 1839.

Present:

The Honourable the Chief Justice, Presiding Member.

Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.  
Neilson.  
Gerrard.

Messrs. Quesnel.  
Christie.  
Walker.  
Molson.  
Austin.  
Harwood, and  
Hale of Sherbrooke.

Prayers.

The following draught of an address to his Excellency the Governor General was submitted to the Council by the Hon. Mr. Moffatt.

To his Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor in Chief in and over the provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.



May it please Your Excellency,

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 18. 1839.  
Enclosure No. 3.

We, Her Majesty's dutiful and loyal subjects, the Special Council for the affairs of Lower Canada, at a meeting convened by your Excellency, under the authority, and in pursuance of the Statute in this behalf provided, beg leave respectfully to return to your Excellency our thanks for your considerate care of the interests of this province, in having called our attention to Her Majesty's gracious message to both houses of the Imperial Parliament, relative to the re-union of the provinces of Upper and Lower Canada, upon which important subject your Excellency has been pleased to desire the opinion of the Special Council.

In conformity with the desire of your Excellency, we have applied our deliberate consideration to the various complex interests and objects involved in the measure of re-uniting the two provinces: and we most heartily express our humble gratitude to Her Majesty for having granted her high sanction to a measure, which, from our local knowledge, and the experience we have had of the government of these Provinces, and of their past and present political state, we deem to be essential to their future peace and welfare, and to the good, constitutional, and efficient government of them, under the protecting care and authority of Her Majesty; and the adoption of which we are intimately convinced, has become of indispensable and urgent necessity.

In considering this contemplated measure, we have directed our attention to a few of the more prominent and important provisions, fit, as we conceive, to be embraced in it; and the views entertained by us on these, as well as on the measure itself, we have embodied in certain resolutions, which we have now the honour humbly to submit to your Excellency, as containing our opinion on the important subject respecting which it has pleased your Excellency to consult us.

The Honourable Mr. Moffatt moved, seconded by Mr. Gerrard,

That the Address to his Excellency, the Governor-General, now submitted, be adopted by this Council.

The Council divided on the motion.

YEAS.

The Honourable the Chief Justice.	Christie.
Messrs. Pothier.	Walker.
De Léry.	Molson.
Moffatt.	Austin.
M'Gill.	Harwood.
De Rocheblave.	Hale of Sherbrooke.
Gerrard.	

NAYS.

Mr. Neilson. Mr. Quesnel.

So it was carried in the affirmative, and

Resolved accordingly, on motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. Neilson.

Ordered, That the said address be presented to his Excellency the Governor-General by the whole Council, and that three of its members do wait on his Excellency, humbly to know when his Excellency will be pleased to receive the same.

Ordered, That the Honourable Messrs. Pothier and Moffatt, and Mr. Gerrard, be the said members.

The Council was adjourned during pleasure.

After some time the Council was resumed.

The Honourable Mr. Moffatt reported that the Honourable Mr. Pothier, Mr. Gerrard, and himself, had, according to order, waited on his Excellency the Governor-General, humbly to know at what time his Excellency would be pleased to be attended by the whole Council with their address; and that his Excellency had been pleased to say that he would receive the same immediately after the passing of the Ordinances.

His Excellency the Governor-General, having entered the council chamber, he took his seat at the head of the table.

On motion of the Hon. Mr. Neilson, seconded by the Hon. Mr. De Léry,—

Ordered,—That an Ordinance to continue for a limited time, a certain Ordinance relative to the seizing and detaining for a limited time of gunpowder, arms, weapons, lead, and munitions of war, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question—"That this Ordinance do now pass,"

It was

Resolved in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the Province was affixed thereto by the secretary of the province.

No. 33.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
Nov. 18, 1839.  
Enclosure No. 3.

On motion of Mr. Gerrard, seconded by Mr. Walker,—  
Ordered,—That an Ordinance further to continue for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, be now read for the third time.

The said Ordinance was accordingly read for the third time.

His Excellency having put the question—"That this Ordinance do now pass,"

It was

Resolved in the affirmative.

His Excellency then signed the said Ordinance, and the Great Seal of the province was affixed thereto by the secretary of the province.

His Excellency then withdrew.

The Honourable the Chief Justice resumed the chair.

The Council was adjourned during pleasure to wait on his Excellency the Governor-General with their address.

After some time the Council was resumed.

The presiding member reported that this Council had presented their address to his Excellency the Governor-General, to which his Excellency was pleased to return the following answer:—

GENTLEMEN:

I thank you for the prompt attention you have given to the important subject on which I desired to consult you.

It will afford me great satisfaction to convey to Her Majesty's advisers the opinions which you have recorded, and I can assure you that they will receive from the Imperial Legislature, and from the Government, the consideration which is so justly due to them.

My best attention will be devoted to the important suggestions contained in your resolutions, and it will be most gratifying to me to promote the accomplishment of your wishes.

The presiding member then stated that he had received the command of his Excellency the Governor-General to inform the Council, that the affairs for which the Council was convened having been concluded, the present meeting is closed and the members discharged from further attendance.

I certify the preceding pages to be a true copy of the journals of the Special Council of Lower Canada, for the session commenced the 11th and ended the 14th November, 1839.

Montreal, 14th November, 1839.

(Signed) W. B. LINDSAY,  
Clerk Special Council.

No. 34.

(No. 13.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Toronto, 23rd November, 1839.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

WITH reference to my despatch from Montreal of the 17th instant, I have the honour to inform your Lordship that I reached this city at an early hour on Thursday morning, the 22nd instant. I opened my commission as governor of Upper Canada the following day, and took the usual oaths on the assumption of the government. I afterwards received from the mayor and corporation of Toronto an address, of which, and of my answer, I enclose herewith copies. I also transmit copies of five addresses, presented to me on my way from Montreal to Toronto, and of the answers which I returned to them.

With a view to avoid inconvenience to the Lieutenant-Governor and his family, I directed a house to be engaged for me, where I shall reside as long as my stay in this city may appear to me necessary, in order to follow out your Lordship's instructions.

I have received every assistance from Sir George Arthur, and I feel confident that he will co-operate with me to the utmost of his power, in the measures which may be required for the public good.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Nos. 1 and 2.  
Nos. 3 to 11.



[Copy]

Enclosure 1 in No. 34.

To his Excellency the Right Honourable CHARLES POULETT THOMSON, one of Her Majesty's Most Honourable Privy Council, Governor-General of all Her Majesty's Possessions in British North America, &c. &c. &c.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

May it please your Excellency,

Enclosure No. 1.

WE, Her Majesty's loyal subjects, the mayor, aldermen, and commonalty of the city of Toronto, influenced by the respect due to the representative of our gracious Sovereign, beg leave to congratulate your Excellency on your arrival in this city.

Amidst the doubts and incertitude which the frequent changes of Governors and Lieutenant-Governors of these provinces, and of the policy of the Imperial Government with regard to them, have created in the minds of the loyal and well-affected inhabitants, we would fain hail the arrival of your Excellency as the advent of a more certain, permanent, and prosperous condition of our commercial, social, and political relations, which will restore prosperity to the commerce and agriculture of the provinces, give a new impulse to internal improvements, and encourage the emigration of our loyal fellow-subjects from the mother country, to this important appendage to the British crown.

Having understood that one of the principal objects of your Excellency's visit to this province, and of your assuming the government thereof, is to ascertain the state of public opinion upon the question of the proposed legislative union of the provinces of Upper and Lower Canada, we beg respectfully to express our conviction, that any legislative union which shall not be predicated upon the ascendancy of the loyal portion of the inhabitants, or which shall give to that portion of the population who, from education, habits and prejudices, are aliens to our nation and our institutions, and to that part of it more particularly which has been engaged in open rebellion or treasonable conspiracy against the government, the same rights and privileges with the loyal British population of the provinces, who have adhered so zealously and faithfully, at the risk of their lives and property, to their Sovereign and constitution, would be fatal to the connexion of these provinces with the parent country.

Faithful in our allegiance to our Sovereign, and calmly but earnestly determined, as far as depends upon us, the highest municipal body in the province, to perpetuate the connexion with the parent state, your Excellency may confidently rely on our cordial support in whatever measure you may think advisable to adopt, tending to maintain that connexion, and to uphold the cherished constitution under which we live, and which we are firmly resolved to the utmost of our power to preserve inviolate and unchanged.

(Signed)

JOHN POWELL, Mayor.

Council-Chamber, November 18th, 1839.

Enclosure 2 in No. 34.

His Excellency's Reply.

GENTLEMEN,

I THANK you for your congratulations on my arrival in this province.

Enclosure No. 2.

I trust that the information which I shall acquire during my stay here may enable me to recommend such measures as may promote the agricultural and commercial interests of this important province: among those measures the reunion of Upper and Lower Canada appears to me the most essential, and you have been rightly informed that one principal object of my mission is to determine in what manner it can most safely and most advantageously be carried into effect: that measure is recommended by Her Majesty's government from a deep conviction that it will cement the connexion between the colonies and the parent state, which it is the firm determination of Her Majesty to maintain inviolate; but to be of permanent advantage, it must be founded upon principles of equal justice to all Her Majesty's subjects.

For this, and for all other measures having in view the advantage of these provinces, I shall confidently rely upon the support and co-operation of the people of Upper Canada.

Enclosure 3 in No. 34.

COPY of ADDRESS from GLENGARRY.

To his Excellency the Right Honourable CHARLES POULETT THOMSON, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor in Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

Enclosure No. 3.

WE, Her Majesty's loyal and dutiful subjects, the undersigned Magistrates and other inhabitants of the county of Glengarry, most respectfully approach your Excellency, as Her Majesty's representative in British North America, to congratulate your Excellency upon your arrival in this province, and to assure your Excellency of our firm attachment to Her Majesty's royal person and Government.

We avail ourselves of this opportunity to state to your Excellency that we highly appreciate the blessings which we enjoy under the constitution conferred on these provinces, and are fully sensible of, and grateful for, the kind and effectual protection afforded to us by the mother country, in the suppression of a most daring and wicked rebellion, and in defending

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

Enclosure No. 3.

us from hordes of lawless and unprincipled brigands, who have, on various occasions, invaded these provinces from the neighbouring republic.

We have learned, with heartfelt satisfaction, that the mother country is determined to maintain her authority over this valuable portion of the British empire, and thereby preserve it from the degradation of becoming a state incapable of defending itself, and, as a natural consequence, from becoming a portion of the republican United States of America.

We cannot conceal from your Excellency that, at the present crisis, when Her Majesty's Ministers and the Imperial Parliament have under their consideration measures for the future government of Upper and Lower Canada, we feel the deepest anxiety, but at the same time cherish the hope that your Excellency will not recommend to Her Majesty's Ministers any new principle of government in these provinces at variance with the constitution under which we have hitherto so happily lived; especially that theory of "Responsible Government," broached in Lord Durham's "Report," which, if put in practice, we are fully persuaded, must lead to the separation of these provinces from the British empire, and to the establishing within them of republican institutions.

We beg leave most respectfully to state to your Excellency, that it is with the deepest concern that the loyal and patriotic subjects of Her Majesty in this country have observed the attempts making by a particular class of persons to renew discussions on some political questions that have heretofore produced the most disastrous results, and which it should be the earnest desire of every good man to bury in oblivion. We assure your Excellency that it is the earnest desire of Her Majesty's loyal subjects in Glengarry to support your Excellency in the discharge of your arduous and important duties, to preserve the peace, promote the welfare, and maintain inviolate the connexion of these provinces with the British empire.

(Signed)

ALEX. FRASER, J. P., L. C.  
JOHN M'GILLIVRAY, J. P., L. C.  
ALEX. RO. MARTIN, Sheriff, E. D.  
D. M'DONELL, M. P. P.  
And 664 others.

Glengarry, 18th November, 1839.

Enclosure 4 in No. 34.

Enclosure No. 4.

Copy.]  
SIR,

ANSWER to INHABITANTS of GLENGARRY.

Toronto, 25th November, 1839.

I AM commanded by his Excellency the Governor-General to acknowledge the receipt of the address from the magistrates and other inhabitants of Glengarry, which was presented to his Excellency at Lancaster, on Monday last.

His Excellency desires me to express to yourself and the other gentlemen who have signed this address his thanks for their congratulations on his arrival in this province. His Excellency is fully persuaded of the deep attachment of the people of Glengarry to the parent state,—an attachment which was proved by the alacrity and gallantry with which, on two recent occasions, they came forward to vindicate the rights and to maintain the authority of the British Crown within these provinces. To maintain that authority, and to draw still closer the ties which unite these provinces to Great Britain, are the first and principal objects of his mission; and his Excellency cheerfully accepts the proffer made to him by the inhabitants of Glengarry of their support in the discharge of the arduous but important duties intrusted to him.

I have, &c.

H. M'Gillis, Esq.,  
&c. &c. &c.

(Signed) T. W. C. MURDOCH.

Copy.]

Enclosure 5 in No. 34.

No. 5.

To his Excellency the Right Hon. CHARLES POULETT THOMSON, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief, in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

WE, Her Majesty's subjects, inhabitants of Prescott and its vicinity, beg leave respectfully to congratulate your Excellency upon your arrival amongst us, as Her Majesty's representative.

We conceive that the present is a moment fraught with the deepest interest, not only to the provinces of Upper and Lower Canada, but to Her Majesty's colonial possessions generally; as on the measures which may be now adopted by Her Majesty's Government depend the prosperity of these colonies, and eventually their connexion with the mother country.

We are well aware, that to reconcile the conflicting feelings and interests of the inhabitants of these provinces is a task that requires the utmost care and indefatigable perseverance, especially at this crisis, when the minds of the population are still unsettled, from the recent attempts made to overthrow British institutions in this country, attempts which were most nobly repelled by the great mass of our loyal yeomanry.

We would, in conclusion, express our wish that your Excellency may be guided by Divine Wisdom in the performance of the arduous duties which devolve upon your Excellency, and that your Excellency's exertions in endeavouring to restore *confidence, peace, and tranquillity* in this important section of Her Majesty's dominions may be crowned with success.

(Signed)

ROBERT BOYD,  
and 240 other persons.



Enclosure 6 in No. 34.

ANSWER to INHABITANTS of PRESCOTT, &c.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

GENTLEMEN,

I THANK you for your address.

I fully appreciate the importance of the present crisis of these provinces, and the difficulties by which the settlement of their affairs is surrounded.

The warm feelings of attachment to British connexion and British institutions which animated the great body of the people, and led them to subdue rebellion at home, and repel outrage from abroad, will, I trust, lead them now to a calm and dispassionate consideration of the present circumstances of the province, and induce them to assist me in overcoming these difficulties, and in perfecting the means necessary for the future welfare of this and the neighbouring province.

Enclosure No. 6.

Enclosure 7 in No. 34.

COPY of ADDRESS from PRESCOTT.

To the Right Hon. CHARLES POULETT THOMSON, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, &c. &c.

Enclosure No. 7.

May it please your Excellency,

WE, the undersigned inhabitants of the town of Prescott and its vicinity, beg respectfully to assure your Excellency, that we regard this your Excellency's early visit to Upper Canada with very sincere pleasure, inasmuch as we think we see in it an earnest that our affairs will now have that attention and action bestowed upon them which they have so long and so greatly needed.

Some of us, when your Excellency was expected here about two weeks ago, appended our names to an address merely congratulatory of your Excellency's safe arrival in this country. It has since then been thought it would be useful and satisfactory to your Excellency to hear from the people themselves what their opinions and feelings are in respect to the political condition of the country. With this impression, and as part of the people, we would now respectfully submit that we agree with the Earl of Durham in his able Report as Lord High Commissioner to Her Majesty, that our difficulties have mainly arisen from this—that the representative branch of the legislature has been denied in practice that weight and influence in the affairs of the colony, without which harmony can scarcely long subsist among the different parts of a mixed form of government. It is without the power of giving any general direction to the policy of the local government, while the principal officials of the country, holding their offices, contrary to the English rule, in perfect independence of it, possessing a majority in the Legislative Council, enjoying the weight and dignity of *high* official rank, and with nearly the whole of the patronage of the Government at their disposal, can check and thwart every House of Assembly unfavourable to them. We would further respectfully submit, that Lord Durham has not only laid open, in the Report referred to, the great and principal cause of our late and present troubles, but has likewise, in our opinion, pointed out the only sufficient remedy for them. To wit: that the local affairs of the province should, in analogy with custom in England, be conducted by persons possessing the confidence of the House of Assembly, provision being made for the careful preservation of the prerogatives of the Crown, and for making the Imperial Parliament arbiter in case of dispute of what ought to be considered local, and what imperial concerns. This remedy, though simple, we believe with his Lordship, would be effectual. We believe, too, that it would be safe. We are sure it would be safer than continuing to govern as heretofore, for now, when anything is done unpalatable to the people, there is room for charging it upon the home Government; then, we could charge it on none but ourselves.

We speak the truth when we assure your Excellency that we prefer the limited monarchy of England to any other form of government, that we are attached to the mother country, and desire a continued connexion with it, but we desire, with the same ardour, to be freed from our present subjection to the irresponsible official party at the seat of Government, with their friends, expectants, and supporters there and throughout the country.

With these opinions and desires, and believing them to be largely, and even generally, participated in by our fellow-subjects in the province, we would respectfully but earnestly entreat your Excellency to assume the administration of the Government, and to dissolve the present House of Assembly, first, however, giving that body an opportunity of providing for the quiet and peaceable enjoyment hereafter of the elective franchise by every person entitled to it by law, and thereby diminish the chances for the repetition in many parts of the country of the lamentable scene that has so lately disgraced the neighbourhood of Toronto.

Enclosure 8 in No. 34.

Gentlemen,

ANSWER.

THE object of my visit to Upper Canada at this early period of my administration is to be able, by personal observation, to ascertain the measures which may be best calculated to promote the welfare of this and the sister province. In the execution of this duty I shall ever be ready to listen to the representations of all classes of her Majesty's subjects;—and it will give me the most sincere satisfaction if my efforts for the public good should meet with their approval.

Enclosure No. 8.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.  
Enclosure No. 9.

## Enclosure 9 in No. 34.

## Copy of ADDRESS from KINGSTON, with Answer.

To the Right Honourable Charles Poulett Thomson, one of her Majesty's most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please your Excellency,

WE, her Majesty's dutiful and loyal subjects, the magistrates, clergy, and inhabitants of the town of Kingston, beg to offer to your Excellency our congratulations on your appointment to the high office of Governor-General of British North America, and on your arrival in this province.

We cannot fail to appreciate the motives which have induced your Excellency thus early to come among us.

We regard it as a proof that it is your Excellency's desire to become thoroughly acquainted with the resources of this valuable portion of her Majesty's dominions, and also to ascertain, by personal inspection, the wants and wishes of the inhabitants.

We cannot but feel assured, from the many benefits hitherto bestowed on this province, through the munificence of the royal and illustrious predecessors of our most gracious Sovereign, as well as from the solicitude so often expressed by her Majesty herself for the welfare of her loyal Upper Canadian subjects, and the preservation of our happy connexion with the Mother Country, that in appointing your Excellency to the distinguished but arduous trust assigned to you, our gracious Sovereign has made such selection from a conviction that your Excellency possessed qualifications well suited to the important office.

We therefore beg leave to express to your Excellency our earnest hope that in carrying out the intentions of our Sovereign, for the settlement of the affairs of this happy portion of her dominions (disturbed for a season by the machinations of the evil disposed), your Excellency will meet with that support from all classes of her Majesty's subjects which will materially enable your Excellency to fulfil the royal intention, already so emphatically expressed, of rendering our connexion with the Parent State more firm and permanent.

## Enclosure 10 in No. 34.

## REPLY.

Gentlemen,

Enclosure No. 10.

I thank you for your address and congratulations on my arrival in this province.

You have rightly understood the motives which have induced me at this early period of my administration to proceed to Upper Canada; and I trust that my personal observation during my stay there may enable me to recommend to Her Majesty's Government, and to Parliament, such measures as may be conducive to the welfare of this important province.

To remove all causes of reasonable discontent in these provinces—to promote their advancement—above all, to cement the connexion between them and the Mother Country, by strengthening the ties of interest and attachment. These are the duties committed to me by your Sovereign; and I earnestly hope that, in my endeavour to discharge these important but arduous duties, I shall receive the support of all Her Majesty's loyal subjects in Canada.

## Enclosure 11 in No. 34.

Enclosure No. 11.

To the Right Honourable CHARLES POULETT THOMSON, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please your Excellency,

We, the merchants, forwarders, and traders of the town of Kingston, beg leave most respectfully to approach your Excellency, with sincere expressions of congratulation on your appointment to the general government of these provinces, and to welcome your visit to Kingston.

We have, in common with our fellow-subjects throughout the province, already enjoyed too many proofs of the solicitude of our most gracious Sovereign for our welfare not to feel convinced that in appointing your Excellency to the important station which you hold, She has been governed in such selection by a continual desire to behold in due time our condition materially improved, and our resources fully developed.

Nor can we fail to recognize in your Excellency the possession of those known qualifications which eminently enable you to appreciate those interests which more particularly affect the mercantile class.

We doubt not but your Excellency will perceive that the geographical position of the town of Kingston is such as to justify the expectations of its inhabitants that it will, at no distant period, become a place of great mercantile importance; and we wait with pleasing anticipations and anxious hope for the carrying out of your Excellency's measures for the general good of the province, as having a particular interest and important stake therein, without intention to enter into political dissensions of any tried or obtruding political opinions upon your Excellency's consideration. We cannot omit this favourable opportunity of stating, that



we have learned with satisfaction that it is the intention of the Imperial Government to unite these provinces, as on a fair and equitable Union, establishing one province essentially British, we conceive the prosperity of the country and the growth of its commerce will mainly depend.

We assure your Excellency of our cordial support to such measures as shall tend to the establishing of peace, the developing the rich resources of our adopted country, and the maintaining, unimpaired, our connexion with Great Britain.

Signed by

WM. WILSON,  
And 54 others.

No. 34.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 23, 1839.

Enclosure No. 11.

(No. 14.)

No. 35.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Toronto, 25th Nov. 1839.

WITH reference to my despatch of the 23rd instant, I have the honour to inform your Lordship that I this day held a Levee at the Government House, which was very numerously attended. I afterwards received two addresses, one from the merchants and the other from the inhabitants of Toronto, of which, and of my answers, I enclose copies for your information.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 35.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 25, 1839.

Enclosure 1 in No. 35.

Address from the Merchants of the City of Toronto.

To His Excellency the Right Honourable Charles Poulett Thompson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please Your Excellency,

We, the merchants of the City of Toronto, beg most respectfully to offer you our cordial welcome to this city; we request you to accept our sincere wishes for your personal welfare, and a happy issue to the important and difficult mission intrusted to your charge by our beloved and most gracious Sovereign.

In approaching your Excellency with this Address, we beg to express our unshaken loyalty, our devoted attachment to her Majesty and our inimitable constitution, and of our earnest desire to perpetuate between the Parent State and the colony, those ties which bind us to each other.

We cannot but deplore the present unsettled state of the country, viewing its condition in connexion with the late unnatural rebellion and foreign aggression; and we anxiously await the opportunity of proving its capability for commercial and agricultural advancement: relying upon your Excellency's intimate knowledge of commerce and of the remedies to be applied where a derangement exists; we fondly anticipate this will be brought about during your Excellency's administration.

As a body of merchants we look forward with a high degree of satisfaction to your Excellency's consideration, by personal observation, of those capabilities of increase in imports and exports of which Upper Canada is susceptible. These appendages of the British Crown, with which it is our happy lot to be connected, present a magnificent field for enterprise; the wealth and resources of the country, as yet undeveloped, are allowed to be unsurpassed in any other portion of her Majesty's dominions, and the facilities for improvement by means of the majestic lakes and rivers with which the country is intersected, could be rendered available for the furtherance of commerce, and the general wealth and prosperity of the people.

By the encouragement of emigration and the introduction of British capital, this fine Province would, blessed with peace and the protection of the laws, naturally become a wealthy agricultural and commercial country.

The distinguished abilities and attainments of your Excellency, lead us to feel satisfied that we have the happiness of seeing among us, one whose extensive practical knowledge will enable him, in connexion with our estimable Lieutenant-Governor, to propose measures which will lead to the development of the vast resources of this Province, a subject which, we regret to say, has hitherto occupied too little attention. All of which is respectfully submitted.

GEOFFERD RIDOUT, Chairman.

Toronto, Nov. 20th, 1839.

Enclosure No. 1.

No. 35.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
November 25, 1839.

Enclosure No. 1.

Reply.

Gentlemen,

I thank you sincerely for your congratulations upon my arrival in this province.

I receive with pleasure the expression of your attachment to the British constitution and government, and of your desire to perpetuate the connexion between these provinces and Great Britain. You may feel assured that it is the firm determination of Her Majesty's government to preserve that connexion inviolate, and that it will be my most anxious endeavour to cement and strengthen it by every means in my power.

I shall devote my best attention to the commercial and agricultural interests of Upper Canada, and I shall be most happy if the practical knowledge of commercial matters, which I have acquired in the Mother Country, should enable me to devise means for removing its present embarrassments, and developing its great resources.

In the pursuance of these objects I shall be supported by the assurance of your cordial co-operation and that of the people of Upper Canada, without which my efforts would be ineffectual.

Enclosure 2 in No. 35.

ADDRESS from the INHABITANTS of the CITY OF TORONTO.

Enclosure No. 2.

To His Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief over the provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please your Excellency,

WE, her Majesty's most dutiful and loyal subjects the undersigned inhabitants of the City of Toronto and its vicinity, approach your Excellency to offer you our sincere congratulations on your appointment to the high and important office of Governor-General of British North America, and to assure your Excellency that it is our anxious desire to support your Excellency's administration.

In the appointment of a statesman of your Excellency's established reputation to the government of the Canadas, at this eventful crisis, we recognise a sincere desire on the part of her Majesty to promote the welfare of these important provinces.

We avail ourselves of this opportunity to assure your Excellency of our cordial attachment to the person and government of our most gracious Sovereign, and of our anxious desire to strengthen the connexion which binds these colonies to our beloved Mother Country.

Revering the time-honoured institutions which, owing to the wisdom and bravery of our ancestors, have become the inherent and inalienable right of British subjects, we earnestly desire to see the Colonial Government administered in accordance with the acknowledged principles of the British constitution.

Fully convinced that your Excellency will, while firmly maintaining the undisputed prerogatives of the Crown, respect the wishes and interests of her Majesty's loyal and attached subjects in this province, we again tender to your excellency the assurance of our anxious desire to afford you that assistance and co-operation on which your Excellency, with such earnest expressions of interest for the public welfare, so confidently relies.

(Signed) W. W. BALDWIN, and 1044 others.

Reply.

Gentlemen,

I thank you for your address and for the assurance of your support to my administration of the affairs of this province.

Whilst it is the firm determination of the Imperial Government to maintain inviolate the connexion between those colonies and the Parent State, it is no less their desire that the government of them should be conducted in harmony with the feelings of the people.

In the discharge of the duty confided to me by my Sovereign, it will be my anxious study to act upon these principles, and I receive with satisfaction the assurance of your readiness to assist and co-operate with me.

(No. 16.)

No. 36.

COPY of a DESPATCH from the Right Honourable C. POULETT THOMSON to LORD JOHN RUSSELL.

Toronto, December 6th, 1839.

MY LORD,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 16th of October last, No. 20, on the subject of the tenure of office by the subordinate servants of the Crown in Canada.

No. 36.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.



I had previously received the similar despatch addressed by you to Sir George Arthur, and had directed its publication in the Gazette for the information of all parties concerned. This publication appears to have been attended with good effects, and the principle of the despatch, as far as I can learn, is generally approved.

No. 36.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.

It will also be of service to me in my endeavours to explain to those who have heedlessly adopted the cry for "responsible government," the extent to which Her Majesty's Government wish to go in administering affairs here according to the wishes of the people, and through persons having their confidence, at the same time that they reject a principle incompatible with Colonial Government.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

(No. 17.)

No. 37.

COPY of a DESPATCH from the Right Honourable C. POULETT THOMSON to  
LORD JOHN RUSSELL.

Toronto, December 6, 1839.

MY LORD,

I TRANSMIT herewith for your Lordship's information various addresses presented to me from different parts of this province, since the 25th ultimo, together with copies of my answers.

No. 37.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

#### HAMILTON ADDRESS.

To the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, &c. &c. &c.

May it please your Excellency,

We, the undersigned, inhabitants of the town of Hamilton, have heard with high gratification of your Excellency's recent arrival in this province.

We beg to assure your Excellency of our full confidence in your Excellency's talents and patriotism, and of our determination to support your Excellency to the utmost of our power, in the discharge of the arduous and most important duties which your Excellency has assumed; and we hail your appointment as an additional evidence of Her Majesty's unabated interest in the welfare of her Canadian subjects.

Firmly and devotedly attached to the principles of the British Constitution, it is our most anxious desire to see its privileges enjoyed, to their fullest extent, by the inhabitants of this province;—and we have the most entire confidence in your Excellency's ability and inclination to exercise, with that view, the high powers which Her Majesty has been pleased to invest you; and we doubt not that the measures adopted under your Excellency's administration will be productive of the most happy results, in restoring harmony and confidence, strengthening the ties which bind us to the Parent State, and in developing to their full extent the vast natural resources of this noble colony.

*Deputation to present*—Messrs. C. C. Ferrie, M. Aikman, — Fergusson.

#### REPLY.

Gentlemen,

I thank you for this address and for your promises of support to my administration.

You may feel assured that it is Her Majesty's first wish to promote the happiness and to conduce to the prosperity of this important portion of her dominions; and I should ill discharge the high office which she has been graciously pleased to bestow on me, did I not, on

No. 37.  
Right Hon.  
C. P. Thomson  
to Lord John Russell.  
December 6, 1839.

my part, use every exertion for that purpose. In the co-operation of the people of Canada I look for the chief elements of my success, and the expressions of your confidence in me, at the present moment, are therefore particularly gratifying.

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ADDRESS of the Talbot District.

To His Excellency the Right Hon. C. Poulett Thomson Governor General of British North America, &c. &c.

Simcoe, Talbot District, Nov. 26, 1839.

May it please Your Excellency,

We her Majesty's dutiful and loyal subjects, a committee appointed by a public meeting of the inhabitants of the district of Talbot, held at Simcoe (the district town), on the 21st Sept. last, for the purpose of carrying into effect the principles advocated by said meeting, appear before your Excellency, in the name and on behalf of a very large proportion of the freeholders, and other inhabitants of that district, to present to your Excellency our warmest congratulations on your Excellency's assumption of the high and dignified office of Governor-General of her Majesty's dominions in British North America.

Especially would we hail your Excellency's appearance in our provincial metropolis as the harbinger of much good to Upper Canada. We cannot but consider it as a renewed expression of that deep interest which Her Majesty's Government has in our welfare. Permit us then to testify our loyalty to the British throne. As Britons, or the immediate descendants of Britons, we admire and revere the principles upon which that throne is based. We cannot, therefore, but deeply lament, that we in this section of the British empire should not as fully enjoy the benefit of those principles as our fellow-subjects in Britain—we advert to the want of executive responsibility in our provincial administration. A want to which we attribute the origin of a large measure of those distressing calamities which have afflicted this province so long. We fondly hope that your Excellency's investigations into our actual circumstances will soon lead to the fullest conviction of the necessity of adopting this principle in the administration of this province. We assure your Excellency, so far as we know the character of our fellow-subjects, on every hand, this is becoming more and more their wish, daily.

We have it likewise in charge to tell your Excellency that the proposition of Her Majesty's Government, to unite the Provinces of Upper and Lower Canada, under one administration, will have the cordial approbation of those whom we represent.

At the same time we should do injustice to ourselves, and our country, did we not distinctly intimate to your Excellency that we consider our present self-elected House of Assembly as not having the confidence of the people, and as such earnestly pray your Excellency to dissolve that house. We cherish no other ambition than that of promoting the welfare of all classes of Her Majesty's subjects, and perpetuating the integrity of the empire. And we beg to assure your Excellency that we will heartily co-operate in the arduous but practicable task of establishing confidence, peace, and harmony in this province. And we entertain the pleasing hope that, for the deep concern manifested by your Excellency in the welfare of the province, by your Excellency's early visit during an unclement season of the year, your Excellency will ultimately reap a rich reward in the gratitude of an united people, and in the approbation of a discerning Sovereign.

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REPLY.

Gentlemen,

I am happy to find that you approve of the proposed re-union of this province with Lower Canada, which it is my earnest desire to arrange upon terms of equal justice to all Her Majesty's subjects within the two provinces.

It is the desire of Her Majesty's advisers that the government of these provinces should be conducted in harmony with the wishes of the people, and it will be my anxious endeavour to conduct my administration in this spirit.

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SIMCOE ADDRESS.

To the Right Hon. Charles Poulett Thomson, Governor-General of British North America, &c. &c. &c.

County of Simcoe, Nov. 18th, 1839.

May it please your Excellency,

We, Her Majesty's most dutiful and loyal subjects, inhabitants of the townships of Vespia, Oro, North and South Orvilia, Medonte, Flos, Ting and Tay, in the county of Simcoe, beg leave to approach your Excellency with sincere sentiments of devotion, loyalty, and attachment to our most gracious Sovereign.



We beg to congratulate your Excellency on your appointment to the government of these important colonies, and on your arrival in this province. The appointment of a statesman of your Excellency's acknowledged abilities to this government we receive as an earnest of the desire of Her Majesty to further the interests, welfare, and prosperity of this portion of her dominions; and we tender to your Excellency the assurance of our firm support to your administration, based, as we trust it will be, on strict principles of justice to all classes of Her Majesty's subjects, with the view of allaying existing discontents, and binding more closely the connexion which now so happily exists between these colonies and the Mother Country.

The allusion which your Excellency has been pleased to make in your proclamation of 19th October, to the loyalty and courage of the inhabitants of this province, we have read with unmingled feelings of satisfaction, and it will be to us a source of pride at all times to look back to the period, when, by their united efforts, the loyal inhabitants of this province, aided in preserving to the British crown these important appendages.

Amply endowed as this country is by nature with all the elements necessary to secure to its inhabitants every earthly blessing, it is deeply to be lamented that discontent should so generally prevail; and inhabiting as we do a remote but fertile and beautiful section of the province, labouring under many disadvantages from the want of local improvements, we feel that to some cause must be ascribed our unhappy condition, for which your Excellency, with the co-operation of the people of the province, has it in your power to suggest and apply a remedy. The practical difficulties under which we labour are to be traced to the manner in which the government of the province has hitherto been administered; to the system of favouritism observable in the distribution of the government patronage, fostering a party to the prejudice of the general interests and welfare of the community; to the prodigality of the dominant faction in the management of the revenues of the colony, now reduced to bankruptcy; and to a variety of other causes, which cannot conveniently be enumerated in an address. Had the government of the colony been administered heretofore with that spirit of liberality, and with that regard for the general welfare of the people, which as British subjects we might expect in a British colony, there is every reason to assert that the state of the country would be widely different from what it now is. It is our ardent desire, therefore, that the government of the country shall hereafter be administered in accordance with the principles and practice of the British constitution, and that there shall be secured to all her Majesty's faithful subjects in these colonies the full enjoyment of British rights.

We look forward with confidence to important changes for the benefit of the country, and to your Excellency, as the exalted instrument by whom those changes are to be introduced. We rely upon the magnanimity and justice of her Majesty's government to do all that in them lies to restore confidence, and to secure peace and prosperity to these provinces; and whatever the contemplated changes may be, we have too much reliance on your Excellency's sense of justice to suppose that they will be attempted without in the first place affording the yeomanry of the country an opportunity of considering them through their representatives in provincial parliament; and for that purpose your Excellency is respectfully requested to dissolve the present parliament, in which the people generally do not repose confidence.

We beg to renew our assurances of attachment to our gracious Queen, and of co-operation with your Excellency, in whatever may tend to secure the general welfare and happiness of this community.

(Signed) ELMES STEELE, Chairman.  
GEO. TUDHOPE, Secretary.

REPLY.

SIR,

Toronto, 26th Nov., 1839.

I AM commanded by his Excellency, the Governor-General, to inform you that the Address from the inhabitants of several townships in the county of Simcoe, which accompanied your letter to me of the 19th instant, was received at this office yesterday.

His Excellency desires me to express his satisfaction at the sentiments of loyalty and attachment to our Sovereign, contained in this address, and his thanks for the congratulations on his arrival in Canada. It is his Excellency's first wish, in the discharge of the important duties committed to him, to exercise his authority with a strict regard to the interests of all classes of her Majesty's subjects. While it is his determination firmly to maintain the authority of the crown, it is his anxious desire to adopt such measures as may tend to knit more closely the ties which unite these provinces to the Parent State. His Excellency will devote his best attention to the agricultural and commercial interests of the province, in the hope that he may be able to adopt such measures as may remove its present embarrassments, and develop its great natural resources; and he looks with confidence to the support of the inhabitants of Upper Canada in the measures which he may adopt for the public welfare.

I have, &c.

(Signed) T. W. C. MURDOCH,  
Chief Secretary.

Capt. Elmes Steele, R.N.  
&c. &c. &c.

No. 37.  
Right Hon.  
C. P. Thomson to  
Lord John Russell.  
December 6, 1839.

Enclosure.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
J. Russell.  
6th Dec., 1839.  
Enclosure.

## GORE ADDRESS.

To the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, &c., &c., &c.

May it please your Excellency :

The committee for the district of Gore, appointed at a public meeting of the freeholders and inhabitants, convened by the sheriff on the 27th of July last, beg, in pursuance of the power conferred upon us, and in the name of the inhabitants of the district, to congratulate your Excellency on your safe arrival in this province, and to express our satisfaction that your Excellency has assumed the active duties of its government.

We assure your Excellency, that we are warmly and devotedly attached to the British Constitution, and are convinced that the prosperity of these colonies will be best secured, and the happiness of the people consulted by a close connexion with the Parent State. We hail your Excellency's acceptance of the important office of Governor-General, as an earnest of the determination of Her Majesty's Ministers to carry out those great principles of reform, to the attainments of which the people of this country have been looking forward with feelings almost of despair.

The resignation by the Earl of Durham of the high office conferred upon him by our sovereign, had disappointed the wishes of the colonial community, who looked forward, nevertheless, with the most sanguine feelings to the representations which his Lordship would make to our sovereign respecting their political condition and wants; and their gratification was extreme, when they had the opportunity of perusing the valuable Report of his Lordship, containing, as they conceived, a true picture of the evils under which the colony had so long laboured, and delineating in so masterly a manner the remedies required for its eventual prosperity.

The postponement of legislation upon the affairs of these provinces had well nigh extinguished those cheering feelings, which had supported the colonists through the agitation of party strife, and the distressing state of public affairs; but we have much gratification in being able to assure your Excellency that the numerous and respectable freeholders and inhabitants, whom we represent, are disposed to place implicit reliance on your Excellency's determination to continue the good work which their valued friend, the Earl of Durham, had begun. They look to your Excellency for the fulfilment of those admirable schemes of colonial policy which have been recommended by his Lordship; and they feel themselves warranted in pledging to your Excellency the most cordial assistance, and frank and generous interpretation of your Excellency's acts, so long as they continue to believe that your Excellency is steadfast in those liberal principles which have characterized your Excellency's public life.

Unaccustomed to the language of courtly address, we fear that we may fall short of the deference due to your Excellency's exalted station, nevertheless, while we would yield to none in the respect and affection which we owe to the representative of our gracious Sovereign, we feel that we ought not to refrain from expressing to your Excellency the urgent necessity which exists for a prompt and vigorous application on your Excellency's part, to the important questions which now agitate this country; and in order that your Excellency may become convinced of the true state of public feeling, we would most earnestly implore your Excellency to take the earliest opportunity of dissolving the present House of Assembly of this province—that thus the present agitation may be converted into its legitimate channel, namely:—the election of such persons as the future representatives of the people, as will truly advocate the interests and wishes of the constituency.

We are of opinion that a union of these provinces founded upon principles of equal justice to all Her Majesty's subjects, and a government responsible to the people for its local acts, as laid down in the Report of the Earl of Durham, will form the most prominent questions at the ensuing elections. To carry out these principles, the present committee were nominated by a numerous and highly respectable meeting of the freeholders and inhabitants of this district, as may be fully shown by the accompanying newspaper, giving a report of the proceedings. We believe that these are the principles of an overwhelming majority of the people of this province; and, that by the adoption or rejection of them, on the part of Her Majesty's ministers, will the happiness and prosperity, or the discontent and ultimate estrangement of the colonial population be determined.

We tender our sincere and best wishes that providence may grant your Excellency health, and such guidance and assistance as your Excellency will need in carrying to a successful termination the arduous task of establishing peace, contentment, and prosperity in Her Majesty's North American colonies.

## REPLY.

GENTLEMEN,

I thank you for the expression of confidence in my administration, contained in your address.

Whatever measures I may think it my duty to recommend to Her Majesty's Government and to Parliament, will have for their object the settlement of the Government of this province upon such a foundation as may secure the just rights of the Crown and the permanent liberties of the people.



ADDRESS OF THE JOINT COMMITTEES.

To his Excellency the Right Honourable C. Poulett Thomson, Governor-General of British North America, &c. &c. &c.

May it please your Excellency :

We, the Committees appointed at public meetings held lately in the Gore and Talbot Districts, and the Committee representing certain inhabitants of the Home District, approach your Excellency with the expression of our highest respect, and beg leave to draw your Excellency's attention to the necessity which, in our opinion, exists for the protection of the constituency at the ensuing elections. It is with much regret that we feel constrained to inform your Excellency, that in several recent instances at meetings of the people, intimidation and violence have been had recourse to by persons holding military or civil authority, and others—and we have just ground for believing, that not only will many peaceably disposed persons be deterred from exercising their elective franchise, but also, that serious disturbances will be the result, if measures be not taken to ensure a free and impartial election.

We are conscious that it would be improper in us to point out to your Excellency the course to be pursued, and are satisfied that nothing more is required, than to present the subject to your Excellency's notice.

REPLY.

GENTLEMEN :

The subject to which your address refers, is one of great importance, and will receive my serious consideration.

VICTORIA ADDRESS.

To the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, &c. &c. &c.

May it please your Excellency :

We, the undersigned inhabitants of the district of Victoria, beg leave, respectfully, to congratulate your Excellency on your arrival in this province.

We do this with the greater pleasure because your Excellency is accustomed to the business of the empire, is specially conversant with its trade, agriculture, and finance, and is connected with that political body who believe that Government exists for the benefit of the governed, and that if its institutions do not answer this end they ought to be reformed, until instead of retarding they assist the people to gain intellectual and moral excellence, private and public prosperity.

While we frankly admit the advantages that we enjoy as British Colonists, we are led no less frankly to state to your Excellency, that the full benefit of the British Constitution has been greatly obstructed in this province; so that, though we inhabit a country that possesses many natural advantages, its resources are very imperfectly developed, its finances are deplorably embarrassed, its credit greatly impaired, industry is inadequately rewarded, great discontent everywhere prevails, and a recent insurrection has stained our land with blood.

We do not hesitate to state to your Excellency that, in our opinion, a leading cause of the unnatural condition of our public affairs is to be found in the *want of due responsibility* in the chief officers of the Government to the people; so that the interest of the latter has been rendered subservient to that of the former,—their responsibility to the Imperial authorities being too remote and feeble to influence their conduct; and those authorities being too much engaged with Imperial affairs, to give *ours* the close and unwearied attention which they require; and, as the payment of our public officers involves the right to control them; we therefore deem that, to render the Government responsible to the people on all our local affairs, in whatever way it may best be arranged, is the chief remedy for our numerous public disorders.

Believing that your Excellency is determined to apply the powers with which you are invested solely for the public good, we beg to assure you of our strongest co-operation therein. Especially shall we implore the *Great Being* who rules over all, so to direct and aid your Excellency's endeavours, that when at some distant day, you may leave these colonies for that fair land which we recognise as *home*, you may have the happiness of leaving behind you a united, prosperous, and happy people, content and proud to remain inseparably connected with the British Empire.

1293 Signatures.

REPLY.

GENTLEMEN,

I thank you for your address and congratulations.

You do me but justice in believing that it is my firm determination to exercise the authority with which I am invested, with the single purpose of promoting the public welfare. It is with this object that I have assumed the Government of the Upper Province, in order to be able by personal observation to decide on the measures which should be recommended to the Imperial Legislature. I trust that the result of those measures will be to render both provinces of Canada prosperous, contented, and happy, and to strengthen the feelings of affection and interest by which they are now united to the parent state.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
John Russell.  
6th Dec., 1839.  
Enclosure.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
John Russell.  
6th Dec., 1839.

Enclosure.

THE BYTOWN ADDRESS TO THE GOVERNOR GENERAL.

To His Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor General of British North America, and Captain General and Governor in Chief over the Provinces of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice Admiral of the same.

May it please your Excellency.

WE, the undersigned inhabitants of Bytown and its vicinity on the Ottawa River, beg leave to tender your Excellency our congratulations on your safe arrival in Canada, and to convey to you our assurance, that we consider the appointment of a gentleman of your Excellency's well known talents, to discharge the duties of Governor in chief of these Provinces, as a mark of high favour from our gracious Sovereign.

We would beg leave to bring under your Excellency's notice, the great importance of the section of the country in which we reside, presenting as it does, a loyal population and a wide field for settlement, superior to any other part of these provinces, in a political, commercial, and agricultural point of view, offering, in its extensive tracts of waste lands, an opening for emigrants on a fertile soil, and under a favourable climate, where an industrious population could be settled, sufficiently remote from the contagion of republican principles, to which those on the frontier are exposed, while our noble river, forming, as it were, the main artery of the Canadas, presents a communication which could be opened between the Great Western Lakes and the ocean, by a route four hundred miles shorter than that at present pursued, and which route has been partly surveyed by order of the Provincial Government, a sum of money having been granted by the Legislature for that purpose.

The obvious importance of this great work, (namely, the opening a route to Lake Huron, by the Ottawa River,) attracted the attention of several leading capitalists and merchants in England some years ago, and its accomplishment was then only prevented by the influence of the anti-emigration faction in Lower Canada, defeating the endeavours of these gentlemen, when they applied to be incorporated for that purpose.

Many of your Excellency's predecessors, among others the Earl of Durham, was so deeply impressed with the necessity for this work being done, that he justly described it as "going hand in hand" with the great plans he had formed for the encouragement of emigration, and the formation of settlements in the interior of the country.

We most sincerely hope your Excellency will become impressed with the same views, and that the result of your labours may be the restoration of permanent tranquillity and prosperity to this important part of Her Majesty's dominions, by the introduction of a wholesome emigration, firm in their adherence to the mother country, and in their attachment to British institutions.

Bytown, October 22, 1839.

SIR,

Government House, Montreal, 2nd Nov. 1839.

I HAD the honour to lay before His Excellency the Governor General, the Address from the inhabitants of Bytown, enclosed in your letter to me of the 30th ultimo.

His Excellency commands me to request that you will express to the gentlemen who have signed this address, his thanks for their congratulations on his arrival in this country.

His Excellency is fully impressed with the importance of that portion of Upper Canada which lies in the neighbourhood of Bytown; and he recognizes the loyalty with which, in the moment of danger, the inhabitants rallied round the Government of the province. It will be the first duty of his Excellency, by securing peace and tranquillity, to promote the prosperity of the colonies entrusted to his charge; and it will afford him sincere satisfaction, if it should be in his power to contribute towards the development of the great natural resources of the country bordering on the Ottawa. His Excellency will not fail to devote his early attention to the subject of emigration, in the hope that he may be able to organize a system which will be equally advantageous to the British provinces in North America, and to the mother country. I have the honour to be, Sir, your most obedient servant,

(Signed)

T. W. C. MURDOCH,  
Civil Secretary.

The Hon. P. M'Gill.

HOME DISTRICT ADDRESS.

To His Excellency the Right Hon. C. Poulett Thomson, Governor General of British North America, &c. &c. &c.

May it please Your Excellency:

We her Majesty's dutiful and loyal subjects the Committee nominated by a large portion of the freeholders and other inhabitants of the Home district, subscribed to the accompanying resolutions, in compliance with our instructions, respectfully beg leave to submit them, together with the copy of our address to Her Majesty, for your Excellency's consideration, as speaking not only our own sentiments, but those of a very large portion of our fellow subjects. In doing so we beg to assure your Excellency of the devoted attachment of those we represent to the person and government of our most gracious Sovereign, and of their anxious desire to maintain unimpaired the connexion of the North American colonies with the parent state.

We desire to avail ourselves of this opportunity of offering to your Excellency our congratulations upon your appointment as governor in chief of this portion of the British Empire, and to assure your Excellency of the gratification which will be experienced by every truly loyal subject, at the safe arrival of your Excellency to assume the government of this province, where nothing is wanting to secure the peace, welfare, and prosperity of the country, but the adoption of the principles of the British constitution in the administration of the government.



No. 5.

RESOLUTIONS.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.

6th December, 1839.

Enclosure.

1.—That this meeting sincerely rejoices at this opportunity of expressing its satisfaction at the appointment of the Right Hon. C. P. Thompson, as Governor-General of British North America, recognizing in that distinguished gentleman a statesman of no ordinary ability, and a firm friend of civil and religious liberty.

2.—That this meeting, having witnessed with astonishment and regret the unconstitutional refusal of Mr. Sheriff Jarvis to call a public meeting of the inhabitants of the district, in compliance with a requisition signed by upwards of 200 individuals, feels itself imperatively called on to assert the right of British subjects to meet peaceably and constitutionally to discuss the public affairs of the province, and to petition for the redress of grievances, if in their opinion any such exist; and to declare further that the people themselves are the sole judges of the expediency of such meeting, discussion, and petition.

3.—That any attempt to change the existing constitution conferred on the people of this province by the statute passed in the 31st year of the reign of His Majesty King George III., without the consent of the local legislature, would be, in the opinion of this meeting, a breach of the solemn pledge of security guaranteed to the people by the said constitution.

4.—That it is the opinion of this meeting that the present House of Assembly have not represented the opinions of the people, and that they do not possess the confidence of the country.

5.—That whether such want of confidence in the present House of Assembly be well founded or not, this meeting, holding that it, like all preceding assemblies of the province, was chosen by the people to uphold, and not to impair, the existing constitution, deem it an essential preliminary to any discussion in the representative chamber, relative to the abrogation of, or alteration in, the constitution, that the present Provincial Parliament be dissolved, and an appeal made to the people for their opinion with reference to the proposed changes.

6.—That in the event of a dissolution of Parliament taking place, this meeting is desirous of recording its opinion, that if, to use the words of the Earl of Durham, "the crown, by its representative, shall make itself a party in the electioneering contest," it will be impossible for the Imperial Parliament to obtain a true expression of the opinions of the people.

7.—That this meeting has read with much satisfaction certain passages in a recent speech of the Most Noble the Marquis of Normanby, Her Majesty's Secretary of State for the Colonies, in which his Lordship admits "that no form of popular government for a colony could be properly conducted unless there existed a desire on the part of the superintending authority that the Executive Government of the colony should as much as possible act in harmony with the representative body," while it deeply regrets that his Lordship should have expressed any doubts as to the practical applicability of this principle to the working of the provincial constitution.

8.—That the report presented to Her Majesty by the Right Hon. the Earl of Durham, Her Majesty's late High Commissioner, to inquire into the affairs of British North America, presents the only sound and safe system of colonial government—namely, to follow out consistently the principles of the British Constitution, and introduce into the government of these great colonies those wise provisions, by which alone the working of the representative system can in any country be rendered harmonious and efficient.

9.—That this meeting, with a view of expressing its opinion as unequivocally as possible upon the subject of a responsible government, is anxious to be understood as desiring such a change in the present administration of the government as would render the advisers of the Colonial Governor responsible to the Parliament of the colony in matters affecting its local interests, in like manner in every respect as the advisers of the Imperial Government are responsible to the Parliament of Great Britain in matters affecting the interests of the empire.

10.—That this meeting cannot let this opportunity pass without expressing its regret that public despondency should still urge many of the inhabitants to emigrate from the province,—a despondency which has no foundation, inasmuch as this meeting feels fully satisfied that so universal a union of sentiment as at present pervades the people relative to the necessity and efficacy of a responsible government, will not be longer opposed by Her Majesty's Ministers.

11.—That this meeting cannot separate without expressing its grateful thanks to the Earl of Durham for his deep attention to the welfare of the American colonies, and without declaring its hope that his Lordship will continue to exert himself in his place in Parliament, and by every other constitutional means, in their behalf.

12.—That an address, founded on these resolutions, be presented to her most gracious Majesty the Queen, and that it be transmitted to the Right Hon. the Earl of Durham, to be by him laid at the foot of the throne, at such time as Her Majesty may be graciously pleased to receive it; and that copies of the said address, together with the resolutions passed at this meeting, be also transmitted to his Excellency the Right Hon. C. P. Thomson, Governor-General of British North America, and to his Excellency Sir G. Arthur, Lieut.-Governor of this province.

13.—That the following gentlemen, with power to add to their number, be appointed a

No. 37.  
The Rt. Hon. C. P.  
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committee to procure signatures to the address to Her Majesty, and to forward the same; as also to co-operate with the supporters of responsible government throughout the province, and to carry out the intentions of this meeting by correspondence or otherwise, as may be found expedient:—

Messrs. Dr. Baldwin,  
Elmes Steele, J.P.  
James Dallas,  
Dr. Gun,  
J. B. Warren, J.P.  
L. Heyden,  
J. H. Price,  
George Ridout,  
Robert J. Turner,  
W. C. Keele,  
John Bogart, jun.  
Eli Gorham,  
W. A. Baldwin,

Messrs. J. E. Small, M.P.P.  
J. M'Intosh, M.P.P.  
Peter Secor,  
Sinclair Holden,  
F. Hincks,  
John Comer,  
William Johnson,  
John N. Kilne,  
Elijah Bens,  
Hugh Scobie,  
William Lawson,  
Chancey Crosby.

We, the undersigned, after the scene of commotion and riot which lately took place at the meeting convened in the Home District for the purpose of taking the sense of the people on the affairs of the province, feeling that there is no other mode left to us of expressing our opinions than by our individual signatures, do hereby declare that our sentiments are fully embodied in the above resolutions, and request the gentlemen named in the 13th resolution to act as a committee in forwarding the objects therein described.

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ADDRESS.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, Your Majesty's most faithful and loyal subjects, the undersigned inhabitants of the Home District, province of Upper Canada, beg permission most respectfully to approach your Majesty, and to tender the assurance of our loyalty, attachment, and devotion to your Majesty's person and government.

We, in common with the great majority of the inhabitants of this portion of your Majesty's dominions, hailed with satisfaction and joy your Majesty's appointment of the Right Hon. the Earl of Durham to be your Majesty's representative in British North America, as well as High Commissioner to inquire into the state of these important provinces, with a view to the amelioration of their political condition.

We desire to assure your Majesty that the administration of the Earl of Durham was, in our opinion, directed to secure the honour of your Majesty's throne, and to promote the welfare and happiness of your Majesty's Canadian subjects. We deem it our duty further to assure your Majesty that the report of the Earl of Durham presented to your Majesty, gives a faithful account of the political state of this province, and suggests the only remedy for the grievances by which it has been so long distracted. We have seen, with deep regret and bitter disappointment, that your Majesty's confidential advisers have publicly declared their disapprobation of the leading principle of the Earl of Durham's report—that principle which recommends that the advisers of your Majesty's representative in this province should be subjected to the same constitutional responsibility to the Provincial Parliament which the advisers of your Majesty owe to the Imperial Parliament. It is our duty solemnly to assure your Majesty that, unless this principle be clearly recognized, it will be impossible that the affairs of this province can be administered to the satisfaction either of your Majesty or of your Canadian subjects. We have heard, through the medium of the public prints, that your Majesty's responsible advisers have introduced a bill into Parliament to alter the constitution conferred upon the people of this province by a statute passed in the 31st year of the reign of your Majesty's royal predecessor, King George III. We feel assured that your Majesty's advisers will not urge the adoption of any measure calculated to deprive your Majesty's loyal subjects of their constitution, without previously submitting it for the approval of the local legislature; but we would respectfully remind your Majesty that the present House of Assembly of this province was chosen to uphold, and not to impair, the existing constitution: and that, previous to any discussion in the Representative Chamber relative to the abrogation of, or alteration in, that constitution, the present Provincial Parliament should be dissolved, and an appeal made to the people for their opinion with reference to the proposed changes.

We further assure your Majesty that the present House of Assembly of this province have not represented the opinions of the people, and do not possess the confidence of the country; and we would therefore most humbly implore your Majesty to place no reliance on its representations, but to order its immediate dissolution.

We most respectfully assure your Majesty that any measure which is not based upon the report of the Earl of Durham, and which does not clearly recognize the principle of local responsibility as therein recommended will fail to give satisfaction to your Majesty's



loyal subjects in this province, who having, many of them, enjoyed the blessings of the British constitution in their beloved mother-country, desire to enjoy the same rights and privileges in this British dependency. We would therefore humbly implore your Majesty to direct your Majesty's Ministers to frame a constitution based on the report of the Earl of Durham, and embracing especially the principle of responsible government—a measure upon the adoption of which the minds of your Majesty's subjects in this province are unalterably fixed. In granting this our humble prayer, your Majesty will, we are assured, strengthen the attachment of your loyal subjects to your Majesty's Royal Person and Government, draw still closer the connexion of the colony to Great Britain, and, what will weigh above all in the kind and generous mind of your Majesty, confer happiness upon a distracted and dissatisfied people.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Lord  
John Russell.  
6th Dec., 1839.

Enclosure.

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REPLY.

GENTLEMEN,

I have received your address containing copies of resolutions passed at a meeting held some time ago, to prepare an address to her Majesty. I shall readily comply with your request, that I should consider these resolutions, but I must at the same time express my earnest hope that party differences and party feelings may be laid aside at the present crisis of affairs in this Colony, and that I may receive the co-operation of all Her Majesty's loyal subjects in my endeavours to perfect measures for the future peace and prosperity of the province.

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GLENGARRY ADDRESS.

To his Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, &c. &c. &c.

May it please your Excellency:—

We, Her Majesty's dutiful and loyal subjects, inhabitants of the county of Glengarry, in the eastern district of the province of Upper Canada, respectfully beg leave to congratulate your Excellency on your safe arrival to assume the government of the Canadas.

Your Excellency being experienced in the knowledge of the evils that tend to deteriorate the interests of a rising country, we look forward to the happiest results, that your Excellency's endeavours to restore peace and prosperity to these distracted and divided colonies may be crowned with most complete success.

We also beg that your Excellency will accept our most unfeigned thanks for your proclamation of the 19th ultimo. It is sufficient to satisfy any unprejudiced mind that your Excellency intends to govern these colonies with justice and impartiality, leaving nothing to envy and little to wish for.

We cannot refrain from expressing to your Excellency our desire for the establishment of a local responsibility in the government of our affairs, while we most emphatically disclaim our having the least intention thereby of weakening, to the remotest period, the happy connection existing between these provinces and the parent country: the want of executive responsibility to the representatives of the people has been the cause of impending ruin, and the embarrassed state of the finances of this province cannot fail to retard its prosperity, and end in heavy and vexatious taxation, unless wise means are resorted to in obviating present and future evils.

We feel the utmost pleasure in expressing to your Excellency our approbation of the noble and patriotic exertions of the Earl of Durham as evinced in his Report on the Canadas. Could a union of the Provinces be obtained on the principle of securing equal rights and equal justice to all Her Majesty's subjects, it would allay the hostile feeling at present so inimical to the best interests of this important portion of Her Majesty's dominions. We are much gratified that your Excellency has announced the intention to apply a remedy to proved grievances. Without enumerating on this occasion the many grievances complained of, we cannot omit alluding to the flagrant mismanagement of the school lands. Your Excellency is perhaps not aware, that upwards of 40 years ago, his late Majesty King George the Third of gracious memory, munificently granted a tract of twelve townships of land, for the support of general education, and it is a melancholy fact, that this valuable grant has not been the means of affording any individual in Glengarry, and very few elsewhere, the knowledge of a single alphabet.—Upper Canada in this respect, is truly the “girdled-tree,” we trust your Excellency is destined to restore its verdure.

We conclude by again wishing your Excellency the most sanguine completion of your views in the final arrangement of the affairs of both Provinces, and we beg to add that we shall always be happy to aid your Excellency by our humble efforts.

761 Signatures.

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REPLY.

GENTLEMEN,

I thank you for your congratulations on my arrival in Canada, and for your promises of co-operation and support in the discharge of my duties as Governor-General of British North America.

No. 37.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
6th December 1839.  
—  
Enclosure.

It will be my endeavour so to avail myself of the information which I shall acquire during my visit to this province as to be able to remove the impediments which have hitherto obstructed its advancement, and to relieve the financial embarrassments under which it labours. It will also afford me sincere satisfaction, if I should be able to devise measures for promoting education, and for rendering available the lands set apart for that object in former years. This is a subject of great and permanent interest to the people of Upper Canada, and it shall receive my best attention.

No. 38.

(No. 18.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to  
Lord JOHN RUSSELL.

MY LORD,

Toronto, 7th December, 1839.

I HAVE the honour to inform your Lordship that on the 3d instant I opened the Legislature of this province, with the speech of which I herewith inclose a copy for your Lordship's information. I yesterday received from both branches of the Legislature addresses in answer to it, of which I also enclose copies. The attendance of members was unusually numerous, and in both houses the addresses were voted with unaccustomed dispatch.

In conformity with the intention expressed in my speech from the Throne, I have this day sent down to both Houses the accompanying messages on the subject of the re-union of the provinces. The forms observed by the House of Assembly are so tedious, that I fear the consideration of my message can hardly be entered upon before the middle of next week. As the House of Assembly, during its last session, decided the question of the union by a considerable majority, although conditions were affixed to it which were wholly inadmissible, whilst the Legislative Council refused to entertain the subject, I deemed it necessary to make some variation in the message sent to each House, which will be found noted in the copy.

The course which I have adopted for bringing the union under the consideration of the Legislature, and inviting their assent to it, is the result of the best consideration I could give to the subject, after taking the opinions of those most qualified to judge of what would be acceptable to this province, and, at the same time most likely to facilitate the settlement of the question: if, as I have reason to hope, the majority of both houses concur in assenting to a legislative re-union of the two Canadas—a determination which, I am satisfied, will be in accordance with the wishes and opinions of the vast majority of the people, as well as of the interests of the whole.

Her Majesty's Government will receive a clear and distinct decision of the Upper Canadian Legislature, upon the terms of the union which affect the interests of this Province in its relation to the other, as well as to the Crown.—And upon points relating to the future government and institutions of the united province, if the union takes place, I shall have the opportunity of receiving any suggestions which either House may make, and of affording any explanation that may be required either to persons appointed for that purpose, or through my official authorities in the Legislature, of the provisions which I shall have to recommend.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure 1 in No. 38.

Speech to the Legislature of Upper Canada.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly:

In discharge of the duties of Governor-General of British North America, confided to me by our Gracious Sovereign, I have deemed it advisable to take the earliest opportunity of visiting this province, and of assembling Parliament.

I am commanded by The Queen to assure you of Her Majesty's fixed determination to maintain the connexion now subsisting between her North American possessions and the United Kingdom, and to exercise the high authority with which she has been invested, by



the favour of Divine Providence, for the promotion of their happiness, and the security of her dominions.

It is with great satisfaction I can inform you, that I have no grounds for apprehending a recurrence of those aggressions upon our frontier which we had lately to deplore, and which affixed an indelible disgrace on their authors.

If, however, unforeseen circumstances should again call for exertion, I know from the past, that in the zeal and loyalty of the people of Upper Canada, and in the protection of the parent state, we possess ample means of defence, and to those I should confidently appeal.

I earnestly hope that this state of tranquillity will prove favourable to the consideration of the important matters, to which your attention must be called during the present session.

It will be my duty to bring under your consideration, at the earliest possible moment, the subject of the legislative re-union of this province with Lower Canada, recommended by Her Majesty to the Imperial Parliament. I shall do so in the full confidence that you will see, in the measure which I shall have to submit, a fresh proof of the deep interest felt by The Queen, in the welfare of her subjects in Upper Canada; and that it will receive from you that calm and deliberate consideration which its importance demands.

The condition of the public departments in the province will require your best attention. In compliance with the address of the House of Assembly of last session, the Lieutenant-Governor appointed a commission, to investigate and report upon the manner in which the duties of those departments are performed. The Commissioners have already conducted their inquiries to an advanced stage; and the result of them will be communicated to you, as soon as they shall be completed.

I am happy to inform you that Her Majesty's Government have concluded an arrangement for opening a communication by steam, between Great Britain and the British possessions in North America. In the completion of this arrangement, Her Majesty's Government have allowed no consideration to interfere with the paramount object, of conducing to the public advantage and convenience. I feel confident that the liberality with which the parent state has assumed the whole expense of the undertaking, will be duly appreciated by you.

The answers of Her Majesty to the various addresses, adopted by you during your last session, and Her Majesty's decisions on the Bills passed by you, but reserved for the signification of Her Royal pleasure, will be made known to you without loss of time.

Gentlemen of the House of Assembly :

The financial condition of the province will claim your early and most attentive consideration. To preserve public credit, is at all times a sacred obligation; but in a country so essentially dependent upon it for the means of future improvement, it is a matter no less of policy than of duty. It is indispensable, then, that measures should be at once adopted, for enabling the provincial revenue to fulfil its obligations, and to defray the necessary expenses of the Government. It will be my anxious desire to co-operate with you in effecting this object; and I feel confident that, by the adoption of measures calculated to promote the full development of the resources of this fine country, the difficulty may be overcome. The officer by whom, under your authority, these obligations have been contracted, will be able to afford you every information; and I shall direct a statement of your financial condition to be immediately submitted to you.

The estimates for the ensuing year will be prepared with every regard to economy, compatible with the due execution of the service of the province.

It is with great satisfaction I find, that notwithstanding commercial difficulties which prevail in the neighbouring states, the banks of this province have resumed specie payments; and I congratulate you upon the guarantee thus afforded of the greater security and stability of our pecuniary transactions—a circumstance which cannot fail to be attended with the most beneficial results.

I am commanded again to submit to you the surrender of the casual and territorial revenues of the Crown, in exchange for a civil list; and I shall take an early opportunity of explaining the grounds on which Her Majesty's Government felt precluded from assenting to the settlement which you lately proposed. They are of a nature which lead me to anticipate your ready assent to their removal, and to the final settlement of the question.

Honourable Gentlemen, and Gentlemen :

In assuming the administration of the Government of these provinces, at the present time, I have not disguised from myself the arduous task which I have undertaken. The affairs of the Canadas have, for some years back, occupied much of the attention of the Imperial Parliament, and of the Government; and their settlement upon a firm and comprehensive basis, admits of no further delay.

To effect that settlement, upon terms satisfactory to the people of these provinces, and affording security for their continued connection with the British Empire, will be my endeavour; and I confidently appeal to your wisdom, and to the loyalty and good sense of the people of this province, to co-operate with me for the preparation and adoption of such measures as may, under Divine Providence, restore to this country peace, concord, and prosperity.

Toronto, 3rd December, 1839.

No. 38.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
Dec. 7, 1839.  
Enclosure No. 1.

Enclosure 2 in No. 38.

No. 38.  
The Rt. Hon. C. P. J.  
Thomson to Ld. John  
Russell.  
Dec. 7, 1839.  
Enclosure No. 2.

To his Excellency the Right Honourable Charles Poulett Thomson, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Upper Canada, Lower Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c. &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, respectfully thank your Excellency for your gracious speech to both Houses of the Provincial Legislature, and offer to your Excellency our warm congratulations upon your Excellency's assuming the administration of the government of this province.

We humbly thank your Excellency for the zealous anxiety for the public service which has induced your Excellency in discharge of the duties of Governor-General of British North America, confided in your Excellency by our Gracious Sovereign, to take the earliest opportunity of visiting this province, and of assembling Parliament.

We receive, with the deepest feelings of gratitude, the assurance which your Excellency is commanded to convey to the Provincial Legislature, of the fixed determination of our gracious and beloved Sovereign to maintain the connexion between Her Majesty's North American possessions and the United Kingdom; and to exercise the high authority with which, by the favour of Divine Providence, she has been invested, for the promotion of the happiness of Her Majesty's subjects, and the security of Her dominions.

We learn with the most lively satisfaction that your Excellency has no grounds for apprehending a recurrence of those aggressions upon our frontier, which, to the indelible disgrace of their authors, lately disturbed the peace of these provinces.

We feel proud of the confidence which your Excellency's knowledge of the past enables you to express in the zeal and loyalty of the people of Upper Canada; in which, and the powerful protection of the Parent State, we see ample means of defence, should unforeseen circumstances again call for exertion.

We cordially unite with your Excellency in the hope that the present state of tranquillity will prove favourable to the consideration of the important matters to which the attention of the Legislature will be called during the present session.

We shall give our best consideration to the subject of the legislative re-union of this province with Lower Canada, recommended by Her Majesty to the Imperial Parliament; and we assure your Excellency, that any measure relating to that great question which shall come before this House, shall receive from us the calm and deliberate attention which its importance demands.

We shall receive and consider, with the greatest attention, the results of the investigation which your Excellency informs us has been instituted into the manner in which the duties of the public departments in this province are performed.

We learn with great pleasure that Her Majesty's Government have concluded an arrangement for opening a communication by steam between Great Britain and Her Majesty's North American dominions. In the completion of this arrangement we recognize the praiseworthy spirit which has allowed no consideration to interfere with the paramount object of conducting to the public advantage and convenience; and the liberality with which the Parent State has assumed the whole expense of the undertaking, we can assure your Excellency, is by us duly and gratefully appreciated.

We await with the greatest anxiety the answers to the various Addresses adopted by this House during the last session, and Her Majesty's decision on the Bills passed by the two Houses of the Legislature, but reserved for the signification of Her Majesty's pleasure.

We are gratefully sensible of the arduous task undertaken by your Excellency in assuming the administration of the government of these provinces at the present time. The affairs of the Canadas, which have for some years back occupied much of the attention of the Imperial Parliament and of the Government, are most urgent; and we fully concur with your Excellency in thinking that their settlement upon a firm and comprehensive basis admits of no further delay.

We feel in duty bound to assist to the utmost of our power your Excellency's endeavour to effect that settlement upon terms satisfactory to the people of these provinces, and affording security for their continued connexion with the British Empire; and we feel assured that your Excellency does not appeal in vain to the loyalty and good sense of the people of this province to co-operate with your Excellency in the preparation and adoption of such measures as may, under Divine Providence, restore to this country peace, concord, and prosperity.

Legislative Council Chamber, 4th December, 1839.

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Enclosure 3 in No. 38.

HONOURABLE GENTLEMEN,

Enclosure No. 3.

I THANK you for this address, and for your congratulations on my assumption of the government of this province.

I shall proceed, without loss of time, to bring more fully under your notice the important subjects adverted to in my speech from the Throne, and I receive with satisfaction the assurance that they will command your attentive consideration.



Enclosure 4 in No. 38.

To his Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

No. 38.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
Dec. 7, 1839.  
Enclosure No. 4.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to thank your Excellency for your speech from the Throne, at the opening of the present Session, and to congratulate your Excellency on your arrival in this province as the representative of our most Gracious Sovereign, and also to express our confidence that the appointment of a member of the Cabinet to administer the government of these colonies, indicates the anxiety of Her Majesty to remedy the past disorders of the Canadas, and to restore peace and tranquillity therein.

We receive with gratitude the assurance of Her Majesty's fixed determination to maintain the connexion now existing between her North American possessions and the United Kingdom, and to exercise the high authority with which she has been invested by the favour of Divine Providence for the promotion of their happiness and the security of her dominions.

We are happy to be informed that your Excellency has no grounds for apprehending a recurrence of those aggressions on our frontier which we have had lately to deplore, and which we entirely concur with your Excellency have affixed an indelible disgrace on all connected with them, and we beg to assure your Excellency that an appeal to the loyalty and zeal of Her Majesty's faithful subjects in this province to repel unjust and hostile aggression, will never be made in vain.

We will gladly avail ourselves of the state of tranquillity at present existing in the province to direct our attention to such important matters as may be brought under our notice during the present Session.

We will give our careful consideration to the subject of the legislative re-union of this province with Lower Canada, which has been recommended by Her Majesty to the Imperial Parliament, and will devote to it that calm deliberation which its importance demands.

The condition of the public departments in this province shall receive our best attention, and we are happy to hear that the inquiry of the Commission appointed by his Excellency the Lieutenant-Governor has been carried to an advanced stage, and that as soon as the result of it shall be communicated, it shall receive our most careful consideration.

We are gratified to be informed that Her Majesty's Government have concluded an arrangement for opening a communication by steam between Great Britain and her North American possessions; and we beg to assure your Excellency that the liberality of the parent state, in assuming the whole expense of the undertaking, is duly appreciated by us.

We shall receive with respectful consideration the answers of Her Majesty to the various addresses adopted by this House during the last Session, as well as Her Majesty's decision on the bills passed by us, but reserved for the signification of the Royal pleasure thereon.

We will devote our early and attentive consideration to the financial condition of the province.

We are sensible of the obligation we are under to preserve public credit, and that in this country, more especially, it is a matter no less of policy than of duty, and we shall endeavour to adopt such measures as will enable the provincial revenue to fulfil its obligations, and to defray the necessary expenses of government; and cheerfully avail ourselves of the co-operation of your Excellency to promote the full development of the resources of this country, and to overcome our financial difficulties.

We will carefully examine the statement of our financial condition when laid before us, as well as the estimates for the ensuing year, which we are gratified to learn will be prepared with every regard to economy compatible with the due execution of the service of the province.

We are truly rejoiced to learn that the resumption of specie payments by the banks has taken place, and we hope that the guarantee thus afforded of the security and stability of our pecuniary transactions, will be attended with the most beneficial result.

The surrender of the casual and territorial revenue of the Crown, in exchange for a civil list, will receive our consideration; and on being informed of the grounds on which Her Majesty's Government felt precluded from assenting to the settlement which we lately proposed, we shall use our best exertions for the final settlement of the question.

We rejoice to hear it announced by your Excellency that the Imperial Parliament and Her Majesty's Government have recommended the settlement of the affairs of the Canadas upon a firm and comprehensive basis. We fully concur in the opinion expressed that they admit of no further delay, and in assuming the administration of the government of these provinces, we are sensible that the task which your Excellency has undertaken is most arduous; but we nevertheless rely on your Excellency using every exertion to effect that settlement upon terms satisfactory to the people of these provinces, and which will afford security for their continued connexion with the British empire; and your Excellency may confidently rely on this House, and on the loyalty and good sense of the people of this province, to co-operate with your Excellency for the preparation and adoption of such measures as may, under Divine Providence, restore to this country peace, concord, and prosperity.

GENTLEMEN OF THE HOUSE OF ASSEMBLY,

No. 38.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
Dec. 7, 1839.  
Enclosure No. 4.

I THANK you for this address, and for your promise to co-operate with me in the measures necessary to promote the peace and prosperity of this province.

Supported by you and the people of Upper Canada, I feel assured that I shall be enabled to overcome the difficulties by which we are surrounded.

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Enclosure 5 in No. 38.

Enclosure No. 5.

IN pursuance of the intention expressed in his speech from the throne, the Governor-General desires now to bring under the consideration of the 

	{	Legislative Council	}	
		House of Assembly		

 the subject of the re-union of this province with Lower Canada, recommended by Her Majesty in her gracious message to both Houses of Parliament on the 3d May last.

For several years the condition of the Canadas has occupied a large portion of the attention of Parliament. That they should be contented and prosperous; that the ties which bind them to the parent state should be strengthened; that their administration should be conducted in accordance with the wishes of the people,—is the ardent desire of every British statesman; and the experience of the last few years amply testifies that the Imperial Parliament has been sparing neither of the time it has devoted to the investigation of their affairs nor of the expenditure it has sanctioned for their protection.

The events which have marked the recent history of Lower Canada are so familiar to the Legislative Council, } at it is unnecessary for the Governor-General further to allude to House of Assembly, } them. There the constitution is suspended; but the powers of the Government are inadequate to permit of the enactment of such permanent laws as are required for the benefit of the people.

Within this province the finances are deranged; public improvements are suspended; private enterprise is checked; the tide of emigration, so essential to the prosperity of the country and to the British connexion, has ceased to flow; while by many the general system of Government is declared to be unsatisfactory.

After the most attentive and anxious consideration of the state of these provinces, and of the difficulties under which they respectively labour, Her Majesty's advisers came to the conclusion that by their re-union alone could those difficulties be removed. During the last session of the Imperial Legislature they did indeed refrain from pressing immediate legislation, but their hesitation proceeded from no doubt as to the principle of the measure, or its necessity; it arose solely from their desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both provinces.

The time, then, is now arrived beyond which a settlement cannot be postponed. In Lower Canada it is indispensable to afford a safe and practicable return to a constitutional Government; and so far as the feelings of the inhabitants can be there ascertained, the measure of the re-union meets with approbation.

In Upper Canada it is no less necessary to enable the province to meet her financial embarrassments, and to proceed in the developement of her natural resources. There are evidently no means in this province of fulfilling the pecuniary obligations which have been contracted but by a great increase in the local revenues. But so long as Lower Canada remains under her present form of Government, neither province possesses any power over the only source from which that increase can be drawn. Nor even were it possible to restore a representative constitution to Lower Canada, unaccompanied by the union, would the position of this province be much improved, since past experience has shown the difficulty of procuring assent to any alteration of the Customs Laws suggested from hence.

This province has engaged in undertakings which reflect the highest honour on the enterprise and industry of her inhabitants. The public works which she has completed or commenced have been conceived in a spirit worthy of a successful result. But additional means are indispensable to avert the ruin of some and secure the completion of others. Nor will that alone suffice; Lower Canada holds the key to all these improvements. Without her co-operation, the navigation for which nature has done so much, for which this province has so deeply burdened itself, must remain incomplete, and a barrier be opposed to the development of those great natural resources which the hand of Providence has so lavishly bestowed on this country.

With a view to remove all these difficulties; to relieve the financial embarrassments of Upper Canada; to enable her to complete her public works, and develop her agricultural capabilities; to restore constitutional government to Lower Canada; to establish a firm, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connection, the union is desired by Her Majesty's Government; and that measure alone, if based upon just principles, appears adequate to the occasion.

Those principles, in the opinion of Her Majesty's advisers, are a just regard to the claims of either province, in adjusting the terms of the union; the maintenance of the three estates of the Provincial Legislature; the settlement of a permanent Civil List for securing the independence of the judges, and to the Executive Government that freedom of action, which is necessary for the public good, and the establishment of a Local Government adapted to the wants of the people.



It was with great satisfaction, then, that Her Majesty's Government learned that upon the question of the union itself, the House of Assembly had pronounced their decided judgment during their last session, and it will only remain for the Governor-General now to invite their assent to the terms upon which it is sought to be effected. That decision was indeed accompanied by recommendations, to which the Government could not agree, but the Governor-General entertains no doubt, that under the altered circumstances, they will no more be renewed. [*To the Legislative Council.*—The Governor-General therefore now invites the assent of the Legislative Council to the following terms, upon which the Union may be established.] It will be for the Imperial Parliament, guided by their intimate knowledge of constitutional law, and free from the bias of local feelings and interests, to arrange the subordinate details.

The first of the terms of re-union, to which the Governor-General desires the assent of the House of Assembly, is the equal [*To the Legislative Council.*—That there be an equal] representation of each province in the united Legislature. Considering the amount of the population of Lower Canada, this proposition might seem to place that province in a less favourable position than Upper Canada. But under the circumstances in which this province is placed, with the increasing population to be expected from emigration, and having regard to the commercial and agricultural enterprise of its inhabitants, an equal apportionment of representation appears desirable.

The second stipulation to be made, is the grant of a sufficient Civil List. The propriety of rendering the judicial bench independent, alike of the Executive and of the Legislature, and of furnishing the means for carrying on the indispensable services of the Government, admits of no question, and has been affirmed by the Parliament of Upper Canada in the Acts passed by them for effecting those objects.

In determining the amount of the Civil List, the {Legislative Council  
House of Assembly} may be assured that the salaries and expenses to be paid from it, will be calculated by Her Majesty's Government, with a strict regard to economy, and the state of the provincial finances. Thirdly, the Governor-General is prepared to recommend to Parliament, that so much of the existing debt of Upper Canada as has been contracted for public works of a general nature, should after the Union, be charged on the joint revenue of the united province. Adverting to the nature of the works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that province should bear a proportion of their expense.

On these principles, the Governor-General is of opinion that a re-union of the two provinces may be effected, equitable and satisfactory in its terms, and beneficial in its results to all classes.

He submits them to the consideration of the {Legislative Council  
House of Assembly}, in the full conviction of their importance, and in the hope that they will receive the assent of that House. Fortified by the expression of their opinion, Her Majesty's Government, and Parliament will be able at once to apply themselves to the full developement of the scheme, and to the consideration of the provisions by which it may be carried into effect with the greatest advantage to the people of both provinces. If in the course of their proceedings, the {Legislative Council  
House of Assembly} should desire any information, which it is in the power of the Governor-General to afford, they will find him ready and anxious to communicate with them frankly and fully, and to aid by all the means in his power that settlement on which he firmly believes that the future prosperity and advancement of these colonies mainly depend.

No. 38.  
The Rt. Hon. C. P.  
Thomson to Ld. John  
Russell.  
Dec. 7, 1839.  
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Enclosure No. 5.

C A N A D A.

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CORRESPONDENCE

RELATIVE TO THE

A F F A I R S   O F   C A N A D A.

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PART II.

U P P E R   C A N A D A.

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*Presented to both Houses of Parliament by Command of Her Majesty.*

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L O N D O N :

PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD-STREET,  
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1840.





## SCHEDULE.

### UPPER CANADA.—POLITICAL.

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U P P E R C A N A D A .

POLITICAL.

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From the Marquis of Normanby and Lord John Russell  
to Sir G. Arthur, K.C.H.

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## UPPER CANADA.

## POLITICAL.

COPIES and EXTRACTS of CORRESPONDENCE relative to the Affairs of  
UPPER CANADA.

From the Marquis of Normanby and Lord John Russell.

## No. 1.

(No. 5.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing Street, 28th Feb. 1839.

I HAVE the honour to acknowledge the receipt of your Despatches of the 1st and 2nd ultimo, Nos. 1 and 3, reporting the further proceedings of the Militia Courts Martial on the prisoners taken at Prescott, and the conviction, before the Court Martial assembled at London, of Herain B. Lynn, the first of the prisoners engaged in the outrage at Windsor, who had been brought to trial.

I have to convey to you my approval of your decision to allow the law to take its course in the case of Lynn, and in that of four of the individuals convicted of participation in the attack at Prescott, and sentenced to death. Much as Her Majesty's Government regret the necessity for the infliction of the punishment of death, they cannot doubt the soundness of the judgment which you exercised in these cases.

In conformity with the course adopted by my predecessor, I have referred for the consideration of the Judge Advocate General the proceedings of the Courts Martial which accompanied your Despatches.

I have further to convey to you my approval of the answers, returned by you to the application which you received from some citizens of the United States, in behalf of two of the prisoners named Smith and Sweatman.

I have, &amp;c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,

&amp;c. &amp;c. &amp;c.

No. 1.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
28th Feb., 1839.

## No. 2.

(No. 14.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing Street, 21st March, 1839.

I HAVE the honour to acknowledge the receipt of your despatches of the 29th January and 5th February, with their enclosures, containing the report of the cases

No. 2.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
21st March, 1839.



No. 2.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
21st March, 1839.

of the prisoners C. Cunningham, J. G. Doan, Amos Perley, and Layman L. Lewis, who had been ordered for execution,—and have to express to you my approbation of the course which you have pursued with regard to these individuals.

It is with the utmost satisfaction that I learn, at the same time, that in your opinion it will not be necessary to carry capital punishment to any greater extent in the province which is intrusted to your care. The sentiments which you express upon this painful subject, would render it more than superfluous for me to repeat what are the views of Her Majesty's Government upon it, and how indelible a disgrace would, in their opinion, be attached to the British name by any measures which were not strictly necessary for the protection of the peace and security of the loyal inhabitants of Upper Canada, and which could justly be suspected of partaking of a sanguinary and vindictive character.

In the event of fresh aggressions rendering it unfortunately necessary to revert to the use of capital punishments, I would suggest to you, whether it would not be desirable that they should follow the commission of the crime as speedily as may be consistent with the calm and complete investigation of the several cases of the criminals, and then terminate. It is true, that it is probable that this course would produce the effect of enabling some of the most guilty among the prisoners to escape the last degree of punishment; but it appears to me that this would be an inferior evil to that produced by the spectacle of protracted executions long after the offence has been committed.

In conclusion, I have to signify to you, my entire approbation of the course which you have pursued towards the remaining prisoners. If the lenity which you have evinced towards the younger and less guilty parties of them, by granting them a free pardon, shall have, as you anticipate, the effect of giving satisfaction to those inhabitants of the United States, who regard with abhorrence the lawless and disgraceful outrages which have been perpetrated by some of their fellow-citizens upon the persons and property of British subjects in Upper Canada, that circumstance cannot but be very agreeable to Her Majesty's Government.

I am, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

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No. 3.

(No. 19.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 30th March, 1839.

I HAVE the honour to acknowledge the receipt of your despatch of the 18th February, No. 32, reporting the circumstances connected with the prosecution in Upper Canada, of Howland Hastings, for an assault on a British subject at Detroit in Michigan.

I entirely participate in the regret which you express for this ill-advised prosecution; I cannot but further regret that it did not occur to Mr. Prince, that it was inexpedient that he should preside and deliver a charge to the jury on the trial of a person who was his own avowed enemy, and who had even threatened his life, especially as the offence charged against the prisoner had arisen out of a quarrel of which those threats were the immediate occasion. It is peculiarly unfortunate that the infringement of the law of nations, in the person of an American citizen, should have thus been connected with a disregard of the general maxim of equity, which forbids any man to be a judge in a case in which his own interests are deeply involved. I approve the conduct pursued by you in this affair, and I trust that some means may have been found for discharging Howland Hastings from custody, under the warrant by which he was committed, until he should find securities to keep the peace.

It is, of course, out of the power of the Executive Government to control or interfere with the administration of the law upon a question of this nature; yet it is impossible not to perceive, that at least a plausible cause of complaint will be afforded to the American Government, even by this part of the proceedings against Hastings, which will be represented as the sequel to other irregularities of the

No. 3.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
30th March, 1839.

whole transaction, and as conceived in the same spirit, although conducted more in accordance with the law. It is needless, however, to prosecute the discussion any further, as I am convinced that long before the arrival of this despatch, you will have used all the means in your power to bring this ill-timed and unfortunate question to a close.

No. 3.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
30th March, 1839.

I have, &c.  
(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 4.

(No. 23.)

EXTRACT of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

Downing-street, 8th April, 1839.

I HAVE received your Despatch, No. 33, of the 19th February, enclosing the copy of a confidential Despatch addressed to you by Her Majesty's Ministers at Washington on the subject of the present political relations of Canada with the United States, and the disposal of the Americans now in custody in Upper Canada. With reference to the latter subject, you report your intention to persevere in the course which you had originally prescribed to yourself.

No. 4.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
8th April, 1839.

I have already, in my Despatch, No. 14, of the 21st March, notified to you my approval of your intention to grant, with the concurrence of your Executive Council, a free pardon to the younger and less guilty portion of the prisoners in question. It is, therefore, only necessary for me to add, on the present occasion, that, after a full consideration of the arguments urged by yourself and by Mr. Fox, I approve of your determination to abide by your previous decision in this matter.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 5.

(No. 26.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR, Downing Street, 12th April, 1839.

I HAVE received your despatch of the 2nd ultimo, No. 47, enclosing a copy of the answer of the Governor of Michigan to the communication which you had addressed to him respecting the prosecution of Howland Hastings. I have perceived with much pleasure the tone of Governor Mason's letter, and am happy to believe that this unfortunate transaction has been brought to so favourable a result.

No. 5.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
12th April, 1839.

I have, &c.  
(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.



## No. 6.

(No. 27.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 13th April, 1839.

No. 6.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
13th April, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 27th February last, No. 42, enclosing a copy of the speech with which you had on that day opened the session of the Provincial Legislature. I have to convey to you my approval of the course which, in the peculiar circumstances of the province, you adopted with regard to your speech.

I have, &amp;c.

(Signed)

NORMANBY.

Sir George Arthur, K.C.H.  
&c. &c.

## No. 7.

(No. 29.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 15th April, 1839.

No. 7.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
15th April, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 5th ultimo, No. 49, enclosing two Minutes of the Executive Council of Upper Canada, in regard to the disposal of the prisoners in custody on charges connected with the late disturbances.

As in my Despatch of the 8th instant, No. 23, I have already conveyed to you my approval of the course which you proposed to follow in this matter, and as the recommendation of the Council coincides with that course, it is only necessary for me, on the present occasion, to express my satisfaction that your decision on this important subject should be so fully supported by the opinions of the gentlemen who form your Executive Council.

I have, &amp;c.

(Signed)

NORMANBY.

Si G. Arthur, K.C.H.,  
&c. &c. &c.

## No. 8.

(No. 31.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 18th April, 1839.

No. 8.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
April 18th, 1839.

I HAVE to acknowledge the receipt of your Despatch of the 8th March last, No. 53, enclosing copies of the Addresses presented to you by both branches of the Legislature, in answer to the Speech with which you had opened the Session. Having laid these Addresses before the Queen, I have to express to you the gratification with which Her Majesty has observed the terms of mutual confidence between the Executive Government and the Legislature, with which the Session has commenced

I have, &amp;c.

(Signed)

NORMANBY.

Sir G. Arthur, K.C.H.  
&c. &c. &c.

No. 9.

(No. 32.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 20th April, 1839.

I HAVE received your Despatch, No. 62, of the 14th March, enclosing copies of a correspondence between yourself and the Governor General, on the subject of the liberation of the prisoners named in the margin, who were captured in the Schooner, Anne, near Amherstburg, in January, 1838, and who were sent to Quebec for safe custody.

I have to convey to you my approval of your proceedings in this matter.

I have, &c!

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c

No. 9.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
20th April, 1839.  
C. Parker.  
B. F. Pew.  
N. Smith.  
H. S. Hull.  
Squire Thayer.  
T. Culver.  
A. Partridge.

No. 10.

(No. 41.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, May 7, 1839.

I HAVE the honor to acknowledge the receipt of your despatch of the 30th March last, No. 68.

I have learned with much satisfaction, that at that date the province of Upper Canada was perfectly tranquil. You, indeed, state that excitement still prevailed within the American lines, and that there seemed to be a "general expectation" and desire for war." I cannot, however, doubt that this excitement will gradually subside, more especially since an arrangement has now been effected respecting the disputed territory, which will obviate any risk of hostile collision between the two countries on that question, pending the negotiations for its settlement.

I have, &c.,

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 10.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
17th May, 1839

No. 11.

(No. 47.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 17th May, 1839.

I HAVE received your Despatch of the 10th of April (No. 79) enclosing various documents connected with the cases of the prisoners who have been sent to this country from Upper Canada for transportation to Van Diemen's Land. This Despatch reached me on the 8th instant, that is, two days after the decision of the Court of Exchequer respecting the discharge of these prisoners on a writ of Habeas Corpus had been pronounced. Fortunately the absence of these documents was not productive of any real inconvenience. After hearing the arguments in support of and against the claim of the prisoners to be discharged, and taking full time for deliberation, the Court of Exchequer, on the 6th instant, pronounced a judgment, ordering them to be remanded into the custody of the gaoler of Liverpool.

No. 11.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
17th May, 1839.



No. 11.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
17th May, 1839.

I enclose the short-hand writer's note of the judgment of the Court of Exchequer, as delivered by the Lord Chief Baron, Lord Abinger. I have not thought it necessary to send you copies of the affidavits and other proceedings, or copies of the notes taken of the speeches of the Council on either side, as this would be little else than a repetition of the documents already communicated to you by Lord Glenelg, in reference to the corresponding application to the Court of Queen's Bench.

All difficulties respecting the lawfulness of the detention and transportation of these prisoners being thus removed, measures will be taken as soon as may be practicable to carry into effect the conditions on which their pardons were granted. I am unable to hold out any prospect that it will be in the power of Her Majesty's Government to advise the Queen to accede to the applications which have been addressed to Her Majesty for the remission of the punishment of some of these parties. Without definitively expressing any conclusion as to the course which may be taken in that respect, I can for the present state only that I have not hitherto found any sufficient reason to justify the Ministers of the Crown in advising that the sentences pronounced upon any of the prisoners should be remitted.

I have, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

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No. 12.

(No. 48.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 18th May, 1839.

No. 12.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
18th May, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 2nd ultimo (No. 74). The subjects to which it adverts having been in a great measure already disposed of, it will not be necessary for me on the present occasion to enter upon them at any length.

My Despatch of the 16th ultimo will have apprised you that Her Majesty's ship "Buffalo" had been ordered to proceed to the Saint Lawrence with detachments, and would afterwards convey to their destination those individuals in Canada who might be under sentence of transportation to Australia. The Buffalo is capable of containing 200 convicts and will therefore receive all the prisoners under sentence of transportation both in Upper and Lower Canada. I learn from the Lords Commissioners of the Admiralty that the "Buffalo" will be ready for sea in the first week of June.

In regard to the disposal of the younger American prisoners, my Despatches of the 21st of March and the 8th and 15th ultimo have already conveyed to you my approbation of the course which you have adopted, and my concurrence in your reasoning on this subject. I am happy to learn, from your Despatch of the 10th ultimo (No. 80), that, as far as it was possible to form an opinion from the conduct of those who had been at that time liberated, the lenity shown towards them had been received in a becoming and grateful spirit.

Her Majesty's Government sincerely regret the continuance among the citizens of the States of Michigan and Ohio of excitement and bad feeling towards Her Majesty's subjects in Upper Canada. At the date of your Despatches of the 30th of March and 2nd of April, the temporary arrangement effected between the Governments of New Brunswick and Maine in regard to the disputed territory was probably unknown to you. That arrangement has, I trust, put an end to all risk of collision between Great Britain and the United States, pending the negotiations on the Boundary question; and Her Majesty's Government cannot but expect that, as a striking indication of the desire of either Government to preserve the amicable relations between the two countries, it will have a strong effect on the public mind in the Western States. I do not deny the inferences which you draw from the entertainment given in Michigan to certain of the Canadian refugees, but I hope that the people of that State, seeing the hopelessness of their aggressions on Her Majesty's Canadian dominions and receiving no countenance or support from the

other and more influential States of the Union, will, from feelings of prudence, if not from higher motives, abstain from a course which is so injurious to Upper Canada and disgraceful to themselves.

I have, &c.  
(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 12.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
18th May, 1839.

No. 13.

(No. 56.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 8th June, 1839.

I HAVE received your Despatch of the 20th April last (No. 92), on the subject of the principles to be followed in bringing to justice parties implicated in treasonable attacks on the Government of Upper Canada.

I acknowledge that there is great weight in the reasoning by which you vindicate tardiness rather than promptitude of punishment in cases such as those which unhappily occurred during the last year. It would be useless to attempt, at this distance from the scene of action, to fetter the discretion of the Local Government by any positive and inflexible rules on such a subject. It is enough to say that the immediate infliction of the penalties of the law when it may be indispensable to inflict them, appears to be regarded by you not less than by myself, as the sound general principle from which it is not wise to deviate, except in deference to some peculiar reasons which may suggest and justify an exception to it.

With regard to the transmission of Lord Durham's Report, unaccompanied by any remarks on those passages of it which appeared to convey injurious reflections on your conduct, I apprehend that when you advert to all the circumstances connected with that publication, you will readily discover reasons why I was unwilling to render it the subject of comment in my Despatches, apart from the supposition that my silence implied an acquiescence in any censure cast by that Report on the administration of the Government of Upper Canada.

I have, &c.  
(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 13.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
8th June, 1839

No. 14.

(No. 57.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 9th June, 1839.

I HAVE to acknowledge the receipt of your Despatch of the 13th ultimo, (No. 104), enclosing a Copy of the Speech with which, on the 11th of that month, you had closed the Session of the Provincial Legislature.

I have, &c.  
(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 14.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
9th June, 1839.



No. 15.

(No. 61.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

No. 15.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
12th June, 1839.

SIR,

Downing-street, 12th June, 1839.

I HAVE the honour to acknowledge the receipt of your Despatches of the 17th April and 7th May, (Nos. 90 and 100), reporting the steps which you had taken for liberating an additional number of the prisoners concerned in the attacks on Upper Canada, and the effect which had been produced by this and your former act of clemency, both on the prisoners themselves and on their fellow-citizens.

I have read these Despatches with much interest. The spirit in which your clemency has been received sufficiently vindicates the wisdom of your proceedings, and, combined as it has been with some examples of necessary severity, can scarcely fail either to abate the disposition to renew these outrages, or at least to justify to the world at large any measures of a sterner character which it may hereafter become necessary to take for the prevention of them.

I have, &amp;c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 16.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing Street, 12th June, 1839.

No. 16.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
12th June, 1839.

As I am aware of your anxiety to be informed of the measures contemplated by Her Majesty's Government for the settlement of the affairs of Canada, I avail myself of the opportunity afforded by the departure of the Liverpool steam-vessel to communicate with you on the subject.

It had been the intention of Her Majesty's Government to introduce into Parliament the Bill, of which I enclose you a copy, and which, if agreed to, would have re-united the Provinces of Upper and Lower Canada, and would have made effectual provision for their future Government. Late events, however, and especially the recent proceedings in the Legislature of Upper Canada, of which intelligence was received on the 3rd instant, have induced Her Majesty's Ministers so far to modify this Bill as to defer for the present those provisions which relate to the re-union of the Provinces and their future Government. Accordingly the Bill will be divided into two parts—the first extending the authority of the Special Council of Lower Canada, and prolonging its existence to the year 1842; the second providing for the future re-union of the Canadian Provinces on the principles of a free and representative Government. The first Bill only will be immediately pressed on the attention of Parliament, and will, I trust, meet with their concurrence. The second will be brought in, but will not be proceeded with during the present session, nor until the Legislative Council and Assembly of Upper Canada, and the Special Council of Lower Canada shall have had an opportunity of communicating to Her Majesty's Government their views respecting it.

I shall take an early opportunity of communicating with you further on this subject, and of apprising you of the proceedings in the Imperial Parliament. My present communication is necessarily restricted to a mere indication of the intentions of Her Majesty's Government, but I could not allow this opportunity to pass without apprising you of them.

I have, &amp;c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 17.

(No. 65.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
SIR GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 20th June, 1839.

I HAVE received your Despatches, Nos. 91 and 107, of the 17th April and 13th May, commenting on certain statements in the Report of the Earl of Durham, relating to the affairs of Upper Canada, and to the policy observed by you in the administration of the Government of that Province. I have felt it my duty to you to communicate to Parliament the explanations contained in those Despatches. Before their receipt I had availed myself of the opportunity afforded by the debate on Colonel Prince's case to bear testimony in the House of Peers to the wisdom, firmness, and humanity, which had distinguished your administration, under circumstances of great difficulty. I am happy to repeat, in writing, the declaration which I then made, and to assure you of my determination to afford you all the support in my power in the arduous and critical circumstances in which you are placed.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed)

I have, &c.  
NORMANBY.

No. 17.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
20th June, 1839.  
For Despatches  
No. 91 and 107,  
17th April and 13th  
May, 1839.  
Vide Papers  
relative to the  
Affairs of Canada.  
Ordered to be  
printed, June 1839.

No. 18.

(No. 72.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 27th June, 1839.

I HAVE had the honour to lay before the Queen the Address of the House of Assembly of Upper Canada, founded on the Report of a Select Committee of that House appointed to inquire into the state of the province.

The Queen commands me to instruct you to acquaint the Assembly that Her Majesty has been pleased to communicate to both Houses of Parliament this Address, together with the Report annexed to it. Her Majesty is convinced that those documents will receive from Parliament the mature consideration which their importance so eminently demands.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

No. 18.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
27th June, 1839.  
Transmitted in  
No. 102 of 11th  
May.  
Vide Papers  
relative to the  
Affairs of Canada.  
Ordered to be  
printed, June, 1839.

No. 19.

(No. 76.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 5th July, 1839.

WITH reference to my Despatch of the 12th ultimo, I have the honour to transmit herewith, for your information, copies of the two Bills introduced into Parliament on the subject of Canada. The Bill to amend the Act 1 Vict. cap. 9, was last night read a second time in the House of Commons, will go into Committee on Thursday next.

The Bill for reuniting the Provinces of Upper and Lower Canada, although introduced into the House, will not be pressed during the present Session to a second reading. Her Majesty's Government have decided on adopting this course in deference to what appears to be the general sentiment of the people of Upper Canada, and in compliance with your recommendation that no unnecessary discussion should, at the present moment, be taken on the question of union. This

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No. 19.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
5th July, 1839.



No. 19.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
5th July, 1839.

Bill, therefore, will stand over until the next Session of Parliament, and in the mean time Her Majesty's Government will have an opportunity of ascertaining the views of the people of Canada on the proposed measure. I shall communicate further with you on this subject when the Bill for amending the 1 Vict. c. 9. shall have been advanced through its remaining stages.

I have, &c.,

(Signed)

NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 20.

(No. 77.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing Street, 6th July, 1839.

I HAVE received your Despatch No. 124, of the 24th May, forwarding to me an Address to the Queen from the residents in Upper Canada, who acted as "Commissioners for constructing the St. Lawrence Canal," vindicating themselves from certain reflections supposed to have been cast upon them in the Report of the Earl of Durham, relating to the affairs of British North America.

You will have the goodness to acquaint those gentlemen, that I have had the honour to lay their address before the Queen, and that Her Majesty was pleased to receive it very graciously. The Queen has, at the same time, thought it due to their character, that these explanations should be communicated to Parliament.

I have, &c.,

(Signed)

NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 21.

(No. 78.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing Street, 6th July, 1839.

I HAVE received your Despatch No. 138, of the 10th June, enclosing a copy of the Report of a Select Committee of the Legislative Council of Upper Canada, to whom had been referred the Report of the Earl of Durham on the affairs of British North America.

In answer, I have to acquaint you that I have caused copies of this report to be laid before both Houses of Parliament.

I have, &c.,

(Signed)

NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 22.

(No. 81.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing Street, 9th July, 1839.

I HAVE the honour to acknowledge the receipt of your Despatch of the 18th May last, No. 113.

I have read with much satisfaction the documents which it encloses. The letter from the liberated prisoners affords the most gratifying testimony to the policy

No. 20.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
9th July, 1839.  
Vide Papers  
relative to the  
Affairs of Canada.  
Ordered to be  
printed, Aug. 1839.

No. 21.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
6th July, 1839.  
Vide Papers  
relative to the  
Affairs of Canada.  
Ordered to be  
printed, Aug. 1839.

No. 22.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
9th July 1839.

pursued by you towards them, and will, I trust, have some effect on their fellow-citizens in the United States. The letter from Mr. Hugunin on the subject of the attack on the "Stephen Girard," and the reparation made to him for that outrage is also highly satisfactory.

No. 22.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
9th July, 1839.

I have, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 23.

(No. 84.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street 23rd July, 1839.

WITH reference to my Despatch of 17th May last, No. 47, I have the honour to transmit herewith for your information the copy of a letter from the Under-Secretary of State for the Home Department announcing that, after considering the cases of the Canadian Prisoners enumerated in that letter, Lord John Russell has felt bound to recommend to Her Majesty to grant them a pardon, on their entering into their own recognizance not to return to Canada, nor to appear within fifty miles of the Canadian frontier. I proceed to explain the grounds on which this decision has been adopted.

No. 23.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
23rd July, 1839.  
13th July, 1839.

Shortly after their arrival in England these prisoners presented to the Crown petitions impugning the justice of their sentences, and praying that they might not be carried into effect. So long as the legality of their detention in custody was in question before the legal tribunals, Her Majesty's Government felt bound to decline any interference in the matter; but that question having been decided, it became necessary to inquire into the allegations of the petitioners, and to determine both whether it was just to carry their sentences into execution, and whether this could be done consistently with law.

Respecting the guilt of the prisoners there was no room for doubt; nor, if their claim to mercy had depended on an estimate of the demerit or the danger of their conduct, would there have been any room for hesitation. I have not found in the case of any one of these men any fact which could be urged either to contradict the charges against them, or materially to extenuate their guilt.

But their claim to a remission of their sentences is chiefly founded on the terms of Sir Francis Head's Proclamation of the 7th of December, 1837, on which they now insist as an amnesty for their offences. In two of these cases it would, I think, be scarcely possible to make any satisfactory answer to this demand. In the other cases, it appears to Her Majesty's Government to possess very considerable, though inferior force.

But it has not been necessary to decide this question; for a difficulty of another kind has presented itself, to which, after the most mature inquiry and reflections, we have found it inevitable to yield. The decisions of the Courts of Queen's Bench and Exchequer ascertained that the prisoners were held in lawful custody, in this kingdom; but those Courts did not determine either of the two ulterior questions, namely,—whether their compulsory removal from this kingdom, or their compulsory detention as convicts in Van Diemen's Land, would be lawful. The judges studiously declined the expression of any opinion on either of those points of law, because they had not then actually arisen; and they strictly confined their judgments to the precise and single question in controversy before them. It was, however, inferred, by those who attended the discussions and heard the judgments, that the judges entertained a very grave doubt whether the Government could lawfully proceed further against the prisoners, unless they could bring them to trial in this country for their treasons.

Under these circumstances I consulted the Attorney and Solicitor-General on the question—whether, if the prisoners should be sent to Van Diemen's Land, they could be lawfully held in custody there as convicts or prisoners of the Crown. The



No. 23.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
23rd July, 1839.

law-officers reported that they could not be so detained or dealt with in that colony, unless either an Act of Parliament or a Colonial Ordinance were made, to justify that course of proceeding.

Here, then, arose a conclusive and insuperable difficulty. Her Majesty's Government could not propose such an enactment, either to the Imperial or to the Local Legislature, with any prospect of success. Amongst other objections to such a law, it was not the least weighty that the Government are not in possession of the evidence by which the offences of the prisoners, or of any of them, are established. We have, indeed, their petitions for pardon, in which their guilt is acknowledged in general terms; but, under the peculiar circumstances of the case, it was impossible that such an acknowledgment could be admitted as a sufficient basis for legislation against them. We have also the Reports of the Commissioners by whom the cases were investigated: but on what proofs the Commissioners proceeded, it is not in our power to explain. An Act of Parliament or an Ordinance of a nature so totally new and unprecedented, could scarcely have been obtained, even on the most complete evidence of the facts. In the absence of such evidence it was manifestly unattainable to have sent the prisoners to Van Diemen's Land, on the mere chance that a law might be passed there for their detention, was a proceeding which it would have been impossible to hazard or to justify.

It thus became necessary either to bring these men to trial in this country for high-treason, or to discharge them from further imprisonment. A trial, I need hardly say, must have resulted in their acquittal, because we have no producible witnesses of their guilt, and because, after all that had occurred, such a prosecution would have been justly regarded with the utmost disfavour by the Court and jury. The result is, that they have been released on the conditions mentioned in the letter from the Home-Office. Her Majesty's Government have used every exertion in their power to avoid a result which they lament, as it may prove embarrassing to your Administration, and perhaps to the tranquillity of Upper Canada. I trust, however, that when the real state of the case is known in the province, any excitement which may have been raised by this decision will subside; and that it will be in your power to disabuse the public mind of the opinion that Her Majesty's Government regard with indifference, or are disposed to treat with a misplaced lenity, such crimes as those of which the prisoners in question are self-convicted.

I have, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.  
&c. &c. &c.

Enclosure in No. 23.

Enclosure in  
No. 23.  
S. M. Phillipps, Esq.  
to James Stephen,  
Esq.  
13th July, 1839.

SIR,

LORD JOHN RUSSELL having considered the circumstances connected with the cases of the Canadian Prisoners now in the gaol of Newgate, who were brought here under the Act of the Upper Canada Legislature, viz., Ira Anderson, James Brown, Randal Wixon, William Alves, Robert Walker, Leonard Watson, John Goldsbury Parker, Finlay Malcolm, and Paul Bedford, I am directed to acquaint you for the information of the Marquis of Normanby, that Lord John Russell has deemed it expedient to recommend to Her Majesty to grant them a pardon, on condition of their entering into their own recognizance not to return to Canada, nor to appear within fifty miles of the Canadian Frontier.

I am, &c.

S. M. PHILLIPPS.

James Stephens, Esq.,  
&c. &c. &c.

No. 24.

(No. 86.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 28th July, 1839.

No. 24.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
28th July, 1839.

I HAVE had the honour to receive your Despatch of the 1st instant, No. 150, enclosing a copy of a circular letter addressed by you to the Magistrates of Upper Canada, with a view to prevent the display of those party feelings and the excitement of those party processions which in former years have occurred at this season.

Previously to the receipt of your Despatch, I had intended to write to you on the subject of statements which have appeared in the public papers relative to the continuance of Orange Lodges in Upper Canada, and the excitement and irritation arising from them, I am happy to find that the suggestions which I had proposed to offer to you on this subject are now unnecessary. I entirely approve of the course which you have adopted, and of the tone of your communication to the magistrates; and I cannot but hope that an exhortation, framed in such a spirit, and proceeding from such a quarter, will have been sufficient to prevent any demonstration of which the tendency is to excite and exasperate civil and religious animosity between different classes of Her Majesty's subjects.

I have, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 24.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
28th July, 1839.

No. 25.

(No. 87.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 30th July, 1839.

I HAVE had the honour to receive your Despatches of the dates and numbers mentioned in the margin, reporting the proceedings which you adopted in consequence of the outrages committed by British subjects on the American Steam-boat, "United States," at Prescott, and on the American Schooner, "Stephen Girard," at Port Colborne, as well as of the outrage committed by American citizens on the British Steamer, "Traveller," at Rochester, and of the robbery of the mail between Kingston and Gananoque by a party of armed men from the United States.

Having communicated your several Despatches to Viscount Palmerston, I am happy to inform you that his Lordship concurs with me in approving the measures which you adopted on the occasions to which those Despatches refer.

I have, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 25.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
30th July, 1839.  
No. 94, 24 April, 1839.  
" 99, 7 May, "  
" 101, 8 May, "  
" 113, 18 May, "  
" 126, 6 June, "

No. 26.

(No. 89.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 1st August, 1839.

I HAVE received your Despatches of the dates mentioned in the margin, reporting the excitement which has been produced in the Midland and Newcastle Districts by the release of a number of the persons who had been arrested on suspicion of treason; the measures which you adopted for removing the misconception entertained by the public on that subject; and the apprehensions generally felt of fresh invasions from the United States on the 4th of this month.

I have to convey to you my thanks for the very clear and full explanation which, on the present, as on all other occasions, you have given of the state and prospect of public affairs in Upper Canada. The measures which you adopted on the occasions referred to in your Despatches, merit my entire approbation. I am happy to observe by the last American newspapers, that the 4th of July passed over without any attack on the province.

If any such designs were really entertained, I have no doubt that your own vigilance, and that of the officers acting under your authority, contributed largely to frustrate them.

I have, &c.

(Signed) NORMANBY.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 26.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
1st August, 1839.  
No. 149, July 1.  
July 2.



No. 27.

(No. 1.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 10th September, 1839.

No. 27.  
Lord John Russell  
to Sir G. Arthur.  
10th Sept. 1839.

Vide Papers  
relative to the  
Affairs of Canada  
1840.  
Part I.  
Lower Canada.

I TRANSMIT to you herewith, for your information and guidance, an extract of the instructions which have been addressed to the Right Hon. C. Poulett Thomson, on his assuming the Government of British North America.

I have, &amp;c.

(Signed)

J. RUSSELL.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 28.

(No. 2.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 11th September, 1839.

No. 28.  
Lord John Russell  
to Sir G. Arthur.  
11th Sept. 1839.

IT will be of great importance to the public service in the Canadian Provinces, that you should, as soon as may be possible, enter into personal communications with Mr. Poulett Thomson upon various questions connected with the affairs of Upper Canada. He is in possession of the views of Her Majesty's Government on all those subjects, and especially with regard to the Bills which during the last Session of the General Assembly of Upper Canada were reserved by you for the signification of Her Majesty's pleasure. You will therefore hold yourself in readiness to repair to the Lower Province, if, as I anticipate, Mr. Poulett Thomson should see occasion to request your personal attendance there. I convey to you this intimation in order that you may be subjected to as little inconvenience as possible in complying with any invitation which he may find cause to address to you for this purpose.

I have, &amp;c.

(Signed)

J. RUSSELL.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 29.

(No. 6.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 15th Sept. 1839.

No. 29.  
Lord John Russell  
to Sir G. Arthur.  
15th Sept. 1839.

I HAVE to acknowledge the receipt of your despatch, No. 166, of the 27th of July last, with its enclosures, referring to your circular letter to the magistrates, in which you recommended the discontinuance of Orange processions, and stating, that in your opinion the Orange society, if continued, is likely to prove a source of the greatest mischief in Upper Canada, and that, entertaining this view very strongly, you propose, steadily and resolutely, but calmly, to direct the attention of Government to the gradual suppression of this Association.

I have only in reply to observe that I concur with you in these views, and recommend your steady perseverance in the same course.

I have, &amp;c.

(Signed)

J. RUSSELL.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 30.

(No. 10.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 21st Sept. 1839.

I HAVE to acknowledge the receipt of your Despatches as noted in the margin.

I shall take an early opportunity of furnishing you with such instructions as these communications may be found to require. The only one of them which appears to me to demand my immediate notice is that marked "Private," of the 21st ultimo, in which you suggest that a declaration should be made by the Government, that the release of the Upper Canada rebels sent to this country did not arise from any doubt of the justice of their sentence. Your wish on this subject has been anticipated by the Marquis of Normanby's Despatch, No. 84, of the 23rd July, explaining to you at length that the liberation of these prisoners arose entirely from legal difficulties, which appeared to Her Majesty's Government to preclude any other course. I have only to add to the announcement made to you in that Despatch the assurance that that decision of the Government was not in any way influenced by any considerations referring to your own conduct in these transactions.

Throughout the whole of them Her Majesty's Government have witnessed the same activity and zeal for the interests of the Crown, which have always characterized your public service; neither do they see any reason whatever to doubt the discretion and judgment which you exercised on the occasion.

I have, &c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed)

J. RUSSELL.

No. 30.  
Lord John Russell  
to Sir G. Arthur.  
21st Sept. 1839.

No. 150.  
.. 172.  
.. 173.  
.. 174.  
.. 175.  
.. 176.  
[Private, 21st Aug.

No. 31.

(No. 14.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 2nd Oct. 1839

I HAVE to acknowledge the receipt of your despatches, Nos. 176 and 179, of the 21st and 27th of August, containing additional information respecting the occurrence at Brockville, between Her Majesty's schooner "Montreal" and the American steam-boat, "St. Lawrence;" and likewise containing copies of the resolutions passed at a meeting of the inhabitants of the district of Gore, together with a copy of the answer which you returned to the address presented to you on that subject.

I have read with much satisfaction the report which you transmit from Captain Sandom on the former of these subjects.

With reference to the latter, I have to convey to you my approval of the tone of your answer to the committee who addressed you. Having now made known your sentiments on the subject, for the discussion of which the meeting was convened, it will not be advisable that you should enter into any further controversy respecting it.

I have only further to express to you my thanks for the zealous attention which you are devoting to the interests of the Province under your Government.

I have, &c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed)

J. RUSSELL.

No. 31.  
Lord John Russell  
to Sir G. Arthur.  
2d Oct. 1839.



No. 32.

(No. 15.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 2nd Oct. 1839.

No. 32.  
Lord John Russell  
to Sir G. Arthur.  
2d Oct. 1839.

I HAVE to acknowledge the receipt of your Despatch, No. 174, of the 21st of August, with documents in corroboration of the statements contained in your despatch, No. 107, of the 13th of May last, on the subject of the Earl of Durham's report on Upper Canada.

I have, in reply, to acquaint you, that the explanation which you have furnished satisfactorily refutes the imputation of incorrectness in the statement made in your former despatch.

I trust that this expression of the opinion of Her Majesty's Government will appear to you to render any further proceedings in regard to this question unnecessary; and that you will not give effect to your intention of bringing the matter before the Provincial Legislature for investigation.

I have, &amp;c.

(Signed)

J. RUSSELL.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 33.

(No. 30.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 26th October 1839.

No. 33.  
Lord John Russell  
to Sir G. Arthur.  
26th Oct. 1839.

I HAVE received your despatch, of the 27th of September last, in continuation of the series of Reports which you have furnished on the state of the Province of Upper Canada.

This communication contains much interesting and important information, for which I have to return you my acknowledgments. There are, however, only two practical questions which appear to me to require any remark. The first is the recommendation of the Council, that a small Police Force should be established during the winter months at Niagara, with a view to the protection of the inhabitants of that frontier from the unhappily increasing dangers of assassination and arson. I fully concur in opinion with yourself and the Executive Council, that the most efficient means should be adopted for guarding against such atrocities. The mode by which you propose to effect this is, perhaps, the best under the circumstances; and I have no objection to sanction the payment of the expense which it will occasion, from the Casual and Territorial Revenue, as you have proposed. Your arrangements will, of course, be made with a due attention to economy, and you will furnish me with an account of the expenditure, for the information of the Lords of the Treasury.

The other point which has attracted my attention relates to the convict John G. Parker, whom you state to be residing at Rochester, and to be negotiating an exchange of his landed property in Upper Canada, for property in the United States. I approve of your intention to facilitate this arrangement, should you find, on consultation with the law officers, that Parker's property in the province was not subject to attainder. With reference to this individual, and to the other convicts who have returned to Upper Canada from this country under a conditional pardon, I should wish to be informed whether he, or any of them, reside within fifty miles of the frontier. The town of Rochester, where Parker is stated to be at present, I believe, rather exceeds that distance.

I have, &amp;c.

(Signed)

J. RUSSELL.

Sir G. Arthur, K.C.H.  
&c. &c. &c.

No. 34.

(No. 35.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 30th October, 1839.

I HAVE to acknowledge the receipt of your despatch, No. 196, of the 25th of September, transmitting a copy of a declaration, signed by 300 of the inhabitants of the township of Guelph and its vicinity, on subjects connected with the state of the province, and more especially with reference to the recommendations supposed to be contained in the Report of the Earl of Durham, and also enclosing a copy of an address which accompanied that declaration, from the magistrates of the township, with a copy of your answer.

In reply, I have to convey to you my thanks for your communication, and my approval of your firm and judicious answer to the magistrates of Guelph.

I have, &c.

(Signed) J. RUSSELL.

Sir G. Arthur, K.C.H.  
&c. &c. &c.

No. 34.  
Lord John Russell  
to Sir G. Arthur.  
30th Oct. 1839.

No. 35.

(No. 42.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 14th Nov. 1839.

I HAVE to acknowledge the receipt of your despatch, No. 200, of the 14th ult., with its enclosures, relative to the removal of the convicts from Fort Henry, and their embarkation on board Her Majesty's ship "Buffalo," for transportation to Van Diemen's Land.

In reply, it only remains for me to assure you that Her Majesty's Government are entirely satisfied of the humanity which has characterised the whole of your proceedings in the discharge of the painful duty which has devolved upon you.

I have, &c.

(Signed) J. RUSSELL.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

N  
Lord John Russell  
to Sir G. Arthur.  
14th Nov. 1839.

No. 36.

(No. 44.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 15th Nov. 1839.

I HAVE to acknowledge the receipt of your Despatch, of the 15th ult., in continuation of the series of Despatches which you have addressed to this Office on the state of the Province of Upper Canada.

In reply, I have only to state that I rely on your successful exertions to repress any disturbance which may arise in Upper Canada, and that Her Majesty's Government have the fullest confidence in your zeal and devotion to the interests of The Queen.

I have, &c.

(Signed) J. RUSSELL.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

No. 36.  
Lord John Russell  
to Sir G. Arthur.  
15th Nov. 1839.





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**UPPER CANADA.**

**POLITICAL.**

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**From Lieut.-Governor Sir George Arthur, K.C.H.**

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# SCHEDULE.

## UPPER CANADA.—POLITICAL.

FROM LIEUT.-GOVERNOR SIR GEORGE ARTHUR, K.C.H.

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# UPPER CANADA.

## POLITICAL.

From Lieutenant-Governor Sir George Arthur, K.C.H.

No. 1.

No. 1.

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H.,  
to Lord GLENELG.

MY LORD,

Toronto, Upper Canada, 1st January, 1839.

WITH reference to my Despatches to your Lordship of the 4th, 13th, and 22nd ultimo (Nos. 100, 106, 117) I have the honour to enclose herewith copies of the proceedings of the militia general court-martial, held at Fort Henry, in the cases of the further number of sixty-three of the Prescott prisoners, whose names are stated in the margin.

From the Minutes of the Executive Council, also enclosed, your Lordship will perceive that six of the above-named convicts, viz., Duncan Anderson, Silvester A. Lawton, Christopher Bulkley, Russel Phelps, Leonard Delino, and Andrew Leeper, have been considered by the Council, and that these several prisoners were severally ordered for execution on the 4th instant.

A report of the cases of the prisoners who have been lately taken at Sandwich reached me yesterday, when finding that it would be necessary, from the enormity of their crimes, to punish with much severity, I deemed it my duty again to bring under consideration the cases of the six convicts already mentioned, with a view of decreasing, if possible, the number that should suffer.

By the proceedings of the Council, of which a copy is enclosed, your Lordship will observe that the members adhere to their former opinion and advice, and cannot find any grounds for altering them, or for reversing the fate of any of these culprits.

I wish to do that justice to the faithfulness and firmness with which the Council are discharging their very arduous duty, which I feel to be their due; but I have arrived at a different conclusion from them in the present instance, and have determined to grant a respite to two of the six prisoners, Delino and Leeper, with the intention of eventually commuting their sentences to transportation.

My minute, annexed to the proceedings of the Council, explains the view I take of the subject.

The demand which the inhabitants of this province make upon the executive Government to deter the refuse frontier population of the Union from repeating their enormities, by the terror of certain and severe punishment, must be allowed to have the weight in our councils which is justly due to the public feeling, and to our common safety. At the same time policy, with reference to the position of the American Government, which (to appearance at least,) is acting with us in the suppression of the conspiracy that has so widely extended itself amongst the citizens of the States, leads me to act with greater forbearance than, I confess, I should otherwise display.

In some of the more violent papers in the States, I observe they have inserted prints representing the President and myself "pulling in the same boat:" this is what I have been striving to effect, and I should be sorry to give him an opportunity to let go his oar.

Your Lordship will remark that the final consideration of the cases of the other 57 convicts has been deferred by the Executive Council until the whole proceedings of the court-martial at Kingston shall be concluded, when I shall report to your Lordship upon all the cases collectively.

In connexion with the subject of the Prescott prisoners, I beg to inclose an American newspaper of the 20th ultimo, in which your Lordship will find recorded

No. 1.

Sir George Arthur  
to Lord Glenelg.  
1st January, 1839.

Vide Papers.

Relative to British  
North America. Or-  
dered to be printed  
Feb. 1839—pp. 369,  
374, 381.

No. 1.

Schedule A. to F.

Charles Smith  
Aaron Dresser  
T. P. Rosin  
William Gates  
R. Whitney  
John Thomas  
A. H. Richardson

No. 2.

E. A. Wilson  
R. Bennett.  
S. A. Lawton  
L. Reilly  
A. Smith  
P. Seuter  
R. G. Collins  
Thomas Stockton  
David Howth  
M. Frier  
E. Carrison  
L. Delino  
C. S. Clark  
J. Cronkhite

No. 3.

William Stibbins  
Peter Cronkee  
D. Anderson  
David Gould  
James Pierce  
H. C. Vaughan  
Christopher Bulkley  
Henry Shew  
A. Richardson  
J. Thompson  
P. Cervanter  
Eli Clarke  
C. S. Brown

No. 3.

John Elmore  
J. H. Martin  
M. Van Slyke  
H. C. Wilkie  
L. Darby  
S. Wiley  
Jos. Stewart  
Alson Owen  
C. Bugbee  
A. Leeper  
John Berry  
H. W. Barlow  
O. W. Smith  
Ethel Penny  
D. D. Heustis  
L. S. Peck  
Thomas Baker  
S. Reynolds  
Edmund Holmes



No. 1.  
Sir George Arthur  
to Lord Glenelg.  
1st January, 1839.

J. Drummond  
G. Goodrich [No. 4.  
David Allen  
Hiram Kenney  
Hiram Sharp  
Jos. Lee  
Russel Phelps  
J. M. Jones [No. 3.  
S. Washburn  
C. Mathers

63

No. 6.

Nos. 7 and 8.

certain resolutions, deprecating the proceedings of the self-styled "patriots," which were passed at a large meeting of the inhabitants of Watertown.

This statement of their views comes somewhat late, and the real motive, evidently enough, is only to serve their guilty fellow-citizens now in the custody of this Government; still it affords an expression of opinion most desirable to encourage, and is a valuable testimony as an admission of the injury which has been done to Her Majesty's Canadian subjects by citizens of the Republic.

I enclose, also, for your Lordship's perusal, a copy of a petition from the citizens resident at the town of Lyme, wherein they solicit the exercise of mercy towards the younger part of the individuals who were engaged in the atrocious invasion of the Canadian territory at Prescott; and I further transmit another petition from a number of persons—said to be highly respectable—residing at Albany, recommending to mercy a prisoner named Sweatman.

By the answers which I have instructed the Provincial Secretary to make to these applications, your Lordship will observe that it is my object to incline the American people to a better feeling towards us, than they have latterly displayed.

I have, &amp;c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

## Enclosure 1 in No. 1.

PROCEEDINGS of the MILITIA GENERAL COURT MARTIAL, held at Fort Henry, in the cases of:—

Charles Smith	and	3 others.
Reilly Whitney	"	10 "
David Howth	"	11 "
Christopher Buckley	"	11 "
Sampson Wiley	"	11 "
Salomon Reynolds	"	11 "
		—
		57
		6
		—
Total		63 Prisoners.

(Copy.)

## Enclosure 2 in No. 1.

Executive Council Chamber,  
Toronto, Monday 24th December, 1838.

Encl. 2 in No. 1.

Present, The Hon. Robert Baldwin Sullivan, Presiding Councillor; William Allen, Augustus Baldwin, and Richard Alexander Tucker.

To His Excellency SIR GEORGE ARTHUR, K.C.H., Lieutenant Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c.

MAY IT PLEASE YOUR EXCELLENCY,

THE Council, according to your Excellency's command, and with reference to your Excellency's minute placed before the board on the 8th December instant, have most carefully examined the proceedings of the courts martial at Fort Henry, in the Midland district, as respects the trials, convictions, and sentences passed upon the undernamed prisoners:—

- |                        |                          |
|------------------------|--------------------------|
| 1. Reilly Whitney      | 21. David Gould          |
| 2. John Thomas         | 22. James Pierce         |
| 3. Asa H. Richardson   | 23. Hunter C. Vaughan    |
| 4. Edward A. Wilson    | 24. James Cummings       |
| 5. Rouse Bennett       | 25. John Thompson        |
| 6. Sylvester A. Lawton | 26. James Inglis         |
| 7. Laurence Reilly     | 27. Hugh Calhoun         |
| 8. Andrew Smith        | 28. Christopher Bulkley  |
| 9. Price Seuter        | 29. Henry Shew           |
| 10. Robert G. Collins  | 30. Andrew Richardson    |
| 11. Thomas Stockton    | 31. Joseph Thompson      |
| 12. David Howth        | 32. Pascall Cervanter    |
| 13. Michael Fraer      | 33. Eli Clarke           |
| 14. Emanuel Garrison   | 34. Charles S. Brown     |
| 15. Leonard Delino     | 35. John Elmore          |
| 16. Culver S. Clark    | 36. Jehiel H. Martin     |
| 17. John Cronkhite     | 37. Martin Van Slyke     |
| 18. William Stebbins   | 38. Hosea C. Wilkie, and |
| 19. Peter Cronker      | 39. Luther Darby.        |
| 20. Duncan Anderson    |                          |

The council proceeding upon the plan already adopted of selecting from the number reported, the cases in which capital punishment seems decidedly to be called for, leaving the remaining cases undecided, until the whole of the proceedings of the court shall be concluded, have, out of the list of prisoners now before them, selected four, upon whom they are of opinion the sentence passed, should be executed without delay, and if your Excellency should concur in the advice of the Council, they think that further consideration of the remaining cases, may be postponed until the whole of the proceedings of the court shall be concluded.

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The selected cases are as follows:—

1. Sylvester A. Lawton, aged 23, appears to have been sworn in a "Hunter," and acted as an officer; as far as the Council can perceive, from the evidence, and the letter of the Judge Advocate, there is no foundation for any pretence that he was forced, or misled into the invasion, and the Council think that under all circumstances, he cannot properly be considered an object of mercy.

2. Leonard Delino, aged 25, was sworn in a hunter on the first of October, he sent his rifle before him from home, and belonged to a company, who seem to have been particularly active, headed by a Captain Kemble, he fought from beginning to ending, and there seems to have been a deliberation in his conduct, amongst a mass of prisoners, of whose individual share in the transaction little is known, sufficient to mark his case for selection for capital punishment.

3. Duncan Anderson, aged 48, denies being a hunter, but he also joined Kembles company, and was one of those on Carleton Island, his pretence of not knowing the object of the expedition is perfectly inconsistent with his own statements, and his age precludes him from the benefit of any supposition of his having been deceived, or misled, as to the object for which he took up arms; the Council have, therefore, selected him for capital punishment from amongst the list of convicts before them.

4. Christopher Bulkley, aged 27, appears beyond doubt to have been captain of a regularly enrolled company, he denies it himself, but after his trial, a book is found in the woods, dropped by himself, or some one of the party, in which the names of a body of men are mentioned, who pledge themselves to follow him; the Council think there can be no question as to his case, and they have therefore selected him, as a fourth convict, out of the number whose cases are now under consideration for capital punishment.

The Council desire to pause upon the case of Luther Darby, until they shall have received further intelligence of the proceedings of the Court-Martial. The remaining cases may, in the opinion of the Council, be deferred for final determination, when the whole of the cases arising out of the expedition near Prescott, shall be reported.

The Council have had before them, and considered the opinion of the judges of the King's Bench, and the subsequent opinion of the Attorney-General, respecting the case of William O'Neill, convicted by a majority of less than two-thirds of the members of the court present at the trial, and concurring fully in these opinions, the Council respectfully recommend that the conviction be not approved, and that William O'Neill be discharged from custody as acquitted.

The same opinion will apply to the case of Martin Van Slyke, who was convicted in the same manner, by a majority consisting of less than two-thirds of the members present, it is therefore respectfully recommended, that he be discharged from custody as acquitted.

All which is respectfully submitted.

(Signed)

R. B. SULLIVAN, P. C.

Executive Council Chamber, Toronto,  
Wednesday, 26th December, 1838.

Present, The Hon. Robert Baldwin Sullivan, Presiding Councillor, the Hon. William Allan, the Hon. Augustus Baldwin, the Hon. Richard Alexander Tucker.

To His Excellency Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

THE Executive Council have perused with great attention the proceedings of the Court Martial assembled at Kingston, detailing the trial and conviction of the under-named prisoners:—

- |                     |                       |
|---------------------|-----------------------|
| 1. Sampson Wiley,   | 10. Daniel D. Hustis, |
| 2. Joseph Stewart,  | 11. Lawton S. Peck,   |
| 3. Alson Owen,      | 12. Thomas Baker,     |
| 4. Chauncey Bugbie, | 13. Solomon Reynolds, |
| 5. Andrew Leeper,   | 14. Joseph Drummond,  |
| 6. John Berry,      | 15. David Allen,      |
| 7. Hiram W. Barlow, | 16. Hiram Sharp,      |
| 8. Orren W. Smith,  | 17. Russell Phelps,   |
| 9. Ethel Penney,    | 18. Samuel Washburn,  |



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19. Edmond Holmes,  
20. Gideon Goodrich,  
21. Hiram Kinney,  
22. Joseph Lee,  
23. John M. Jones,

24. Chauncey Mathers,  
25. Philip Conrod,  
26. Joseph Wagner,  
27. Henry Jantzen, and  
28. Sebastian Meyer.

Notwithstanding the opinion expressed by the Council in their report of the 24th of December instant, that consideration of any future convictions might properly be deferred until the whole of the cases, arising out of the Prescott invasion, should be placed before your Excellency, the Council see good reasons for making a further selection for capital punishment from the cases now before them, as they do not think it probable that many instances will occur in the course of the trials in which distinguishing marks of aggravation will appear more plainly than in the two cases now selected; and when these are so obvious as to leave no hope of future merciful consideration, the Council are of opinion that the infliction of the penalty ought to follow the conviction with the utmost promptitude.

In the absence of special information respecting the previous history, or individual acts of the convicts, the Council have been obliged to select from the number of criminals those who appear to have been most willingly and advisedly joined in the project of invasion, and who have acted most deliberately and heartily in the cause of the conspirators; and with this view, and referring most carefully to the principles which guided the former decisions of the Government, they feel compelled, by what they consider a due regard to the ends of justice, to advise your Excellency that the sentences passed upon the two under-named prisoners should be promptly carried into execution.

1. Andrew Leeper.

The case made out against this convict appears very clear, upon his own confession. He had, as he states, been frequently in Canada travelling. He was employed for a considerable time at Kingston; he was in communication with an American named Prendergast, who, before the late invasion, resided in the province, and who appears to have been deeply implicated in the conspiracy. The convict came into the province, and took up arms with a perfect knowledge of the object of the expedition; and he fought from the beginning to the end of the contest. He is forty-two years of age, and his appearance and manner before the court are reported to have been unfavourable.

2. Russell Phelps is aged forty years. He landed on Carleton Island previously to the invasion near Prescott, and, besides a clear case of guilt, he appears to have been indicted and tried at the last Kingston assizes, for the offence of inducing Her Majesty's soldiers to desert; and although he was acquitted, a strong impression of his guilt remained. His future conduct in joining in the invasion of the province strongly confirms this suspicion; and although the Council do not desire his punishment for a crime not sufficiently proved against him, they cannot but allow the charge of an offence, which is known to have been in conformity with a most wicked and dangerous part of the conspiracy against the province, to have some weight, when they are seeking for distinctive grounds for the selection from the mass of offenders of the most aggravated cases, and for the criminals most proper for public example.

All which is respectfully submitted.

(Signed)

R. B. SULLIVAN, P.C.

Wednesday, 26th December, 5 o'clock, P.M.

Pursuant to his Excellency's commands, the Executive Council assembled at Government House:

Present, His Excellency the Lieutenant-Governor, the Hon. Robert Baldwin Sullivan, the Hon. Augustus Baldwin, the Hon. Richard Alexander Tucker;

And the Reports of Council of the 24th December instant, and of this day, were submitted.

Whereupon, after examination into, and mature deliberation upon, the proceedings of the Court Martial, his Excellency the Lieutenant-Governor, in Council, was pleased to approve of the recommendation of the Council, as contained in the reports of their proceedings of the 24th instant, and of this day; and it was accordingly ordered by his Excellency in Council as follows:—

The Lieutenant-Governor, in Council, approves and confirms the finding and sentence of the Court Martial passed upon Sylvester A. Lawton, Duncan Anderson, Leonard Delino, Christopher Bulkley, Andrew Leeper, and Russell Phelps; and directs that the said sentence be carried into execution upon the said Sylvester A. Lawton, Duncan Anderson, Leonard Delino, Christopher Bulkley, Andrew Leeper, and Russell Phelps, on Friday, the fourth day of January next, between the hours of eight and nine o'clock in the forenoon of the same day, at or near Fort Henry, in the Midland District.

After which, his Excellency was pleased to lay before the Council a letter from the Judge Advocate, stating the probability of one of the convicts, whose cases remain for consideration, named John Thomas, might be identified as having been charged, under strong suspicion, of belonging to a party who entered the province in the year 1837, with the purpose of destroying some of the locks upon the Rideau Canal.

Enclosure 3 in No. 1.

Toronto, Monday 31st December, 1838.

No. 1.

Sir George Arthur  
to Lord Glenelg.  
1st January, 1839.

Encl. 3 in No. 1.

Present, His Excellency the Lieutenant Governor; the Honourable Robert Baldwin Sullivan; the Honourable William Allan; the Honourable Augustus Baldwin; the Honourable Richard Alexander Tucker.

His Excellency the Lieutenant-Governor having summoned the Executive Council, the Council met at Government House at nine o'clock, P.M.

His Excellency was pleased to call the attention of the Executive Council to the fact, that a number of criminals are in custody in consequence of the invasion in the western district, out of which, several must be selected for capital punishment; and his Excellency was further pleased to observe, that it may now be a question for serious consideration, whether so large a number as six persons should be left for execution at the same time, at Kingston, as he was not without some apprehension, that the execution of so large a number at once, may, in conjunction with the proceedings at London, go beyond the public feeling, and excite sentiments of commiseration, which would produce an ill effect in the province, and a feeling of indignation in the United States, which, however unreasonable, may hereafter associate to the injury of the province, in provoking war, or in making a war, if it be inevitable, more vindictive and sanguinary than it would otherwise be.

His Excellency was further pleased to say, that, he saw no reason to alter his opinion as to the aggregate number who ought to be executed out of the mass of prisoners, in order to put down, if possible, the dreadful crimes which the American border population were committing; but, under the whole of the circumstances, his Excellency required the opinion of the Council upon the question, whether two of the prisoners, now under orders for execution, might not properly be reprieved.

The Executive Council, after much deliberation, and after an attentive perusal of the cases of the convicts as reported, adhered to their former recommendation, and stated to his Excellency, that although they would, if the question were to be discussed *de novo*, and with the knowledge of the objection, in the mind of his Excellency, to the execution of so many convicts at one time, have modified their recommendation, so as to have divided the number to be executed, into smaller portions, they yet could not advise his Excellency to grant a reprieve to any of those convicts; such a reprieve, in the opinion of the Council, would amount to an assurance of sparing the lives of the persons reprieved, and the measure of their guilt, would necessarily become a new scale by which to judge of future cases.

The Council further stated, that upon the individual merits of each case, they could not make a selection from the six ordered for execution, with which they could feel satisfied. They were of opinion, that those who were ordered for execution, were amongst the most guilty of the prisoners, and that none of their cases offered any distinguishing marks of mitigation, which would enable the Council to recommend any of them to mercy. That the principle upon which the government had hitherto acted, of executing the most criminal, and reserving the less guilty for secondary punishment, must indeed, be entirely departed from, if the lives of any of those six persons should be spared.

The Council further stated that they could discover no reasons sufficient to induce them to alter their recommendation as to the numbers to be executed; that they had concluded upon their advice in that respect, making every allowance for public feeling; and that even supposing those in the immediate view of the executions to be inclined to relent, they conceived that the government was bound by a sense duty to carry public examples, in the way of capital punishment, so far as to prove that it is not intimidated by foreign threats of vengeance, or swayed from its course by sectional demonstrations of feeling.

The Council further remarked that, in advising the course of mercy and forbearance which had hitherto been a prominent character of this government, they had frequently to contend with popular sentiment, notwithstanding which they had advised his Excellency to persevere.

They have had no reason to regret their advice in this respect, and they now do not think the apprehension of popular commiseration, if such should be found to exist, or of foreign indignation, of sufficient moment to induce them to alter the advice which, upon the most mature deliberation, and with a view to the most merciful consideration of the remaining cases of prisoners, they had found it their duty to offer.

The Council were further of opinion, that the invasion of the province was plotted and carried into execution by a number of lawless and wicked conspirators on the frontier, who, taking advantage of the weakness of the United States Executive Government, have trampled upon their own laws with absolute impunity, and so far from the condign punishment of the criminals, when they fall into the hands of justice in Canada, being regretted or resented by the respectable and thinking portion of the American community, the Council believe that this portion of the American people will rejoice sincerely to see that there exists a power in Canada, which can check and punish the disorders and insubordination existing amongst the border and western population, which not only threatens to involve their country in a war with England, but also seems not unlikely to overthrow what remains of obedience or respect to law and order in the American territory itself.



No. 1.  
 Sir George Arthur  
 to Lord Glenelg.  
 1st January, 1839.  
 Encl. 4 in No. 1.

(Copy.)

Enclosure 4 in No. 1.

## MINUTE for the EXECUTIVE COUNCIL.

Government-House, 1st Jan. 1839.

THE Lieutenant-Governor, in communicating to the Executive Council the result of his most anxious consideration of their advice with reference to the question respecting two of the six prisoners ordered for execution at Kingston on the 4th instant, assures the Council that it is with much hesitation and difficulty he has arrived at a conclusion opposite to that which they had recommended should be acted on.

The Lieutenant-Governor feels the weight of the reasoning which induced this recommendation, and fully appreciates the laudable intention of the Council to seek ground for the future sparing of life, or exemption from severe punishment, of many of the remaining criminals, in the signal example which the joint execution of six criminals would afford, and in the effect which such example would produce upon the public mind, as well in Canada as in the United States.

The Lieutenant-Governor concurred with the Council in their views when the execution was ordered, but, upon the most deliberate consideration, he thinks it most prudent that no determination of this Government should take effect calculated to shock the feelings of the community; and that, if the Government is forced, for the safety of the province, to resort to capital punishment, it should always exhibit the extreme and painful reluctance which is really deeply felt when its assent is given to such a measure.

The Lieutenant-Governor is most desirous that, in the course of the trying events now occurring, nothing should take place which would leave any opening for a feeling of regret, or a wish that any act of the Government were undone: and in cases where human life is the subject of deliberation, doubts almost assume the strength of conviction on the side of mercy.

The Lieutenant-Governor has therefore thought it proper to direct the Attorney-General to prepare a respite for the two convicts named—Andrew Leper and Leonard Delino.

From any official documents before him the Lieutenant-Governor cannot show satisfactorily that the cases of these individuals deserve more favourable consideration than those of the others on whom the sentence is left to take effect; but, in lessening the number for execution, he is induced to give weight to private information showing in the minds of some respectable persons near the scene of trial and confinement of the prisoners, a shade of difference exists in favour of the two in question, which is not apparent upon the face of the proceedings of the Court-martial.

(Signed.) GEORGE ARTHUR.

Enclosure 5 in No. 1.

(Extracted from the "Jeffersonian.")

"CANADIAN AFFAIRS—GREAT MEETING AT THE COURT-HOUSE.

"Watertown, New York, Dec. 21. 1838.

Encl. 5 in No. 1.

"PURSUANT to notice given from the bench on Tuesday last, a meeting was held at the Court-house on the evening of that day, to take into consideration the condition of the unfortunate prisoners now in confinement at Fort Henry, Kingston, and to adopt energetic, efficient, but pacific measures to correct public opinion, in relation to Canadian affairs—to allay public excitement along the frontier, and by all lawful and proper means to prevent the invasion of the Canadas by an armed force of American citizens, while the Governments of the United States and Great Britain are at peace.

"The meeting was called to order by Elisha Camp, Esq., on whose motion the Hon. Calvin McKnight, First Judge of Jefferson County Courts, was appointed chairman; Hon. Daniel Wardwell, Hon. Eli Farwell, Gen. Thomas Loomis, Abner Baker, Jr., Sheriff of Jefferson County, and O. V. Brainard, Esq., were chosen Vice-Presidents, and Doctor Reuben Goodale, and Joseph Mullin, Esqrs., Secretaries.

"Col. Chauncey Baker, late sheriff, being called upon, made to the meeting a detailed statement of the result of the visit of himself and E. G. Merrick, Esq., to Kingston, to inquire into the condition of the prisoners, learn their probable fate, and what, if anything, could be done to save their lives and restore them to society and their most deeply afflicted friends and relatives. He stated, as the result of their inquiries, that the officers of justice in Canada felt deeply interested in the fate of the misguided men captured near Prescott, that they were disposed to do all that could be done, consistently with their laws and the public security, to spare their lives—that all business is at a stand except that of defending their soil from the invasion of the refugees and patriots—that public indignation in Canada has been excited to a very great degree in consequence of the great loss of life, to say nothing of property, which the Canadians have sustained—that, as may well be supposed, they feel themselves called upon by the laws of their country, by the duties they owe themselves, their families, and their government, to exercise unremitting watchfulness to protect themselves from invasion by armed hands from this side. And that till such time as the government and the people could be assured that American citizens

generally had abandoned all intention, if any existed, of countenancing, in any respect, renewed attacks upon a people with whom they are professedly at peace, it would be idle to hope for the liberation of those young men now suffering some of the direful consequences of violating the laws of two nations, or for tranquillity on either side.

Colonel Baker spoke in high terms of the friendly and polite attention paid himself and Mr. Merrick by John M'Donald, Esq., of Gananoque, the sheriff of Kingston, Allan M'Donald, Esq., Colonel Draper, and other officers and gentlemen whose names we do not recollect. The first named gentleman conveyed in his own carriage Messrs. Baker and Merrick from Gananoque to Kingston, and kindly offered to convey them at his own expense to Toronto, if they desired to visit Lieutenant-Governor Arthur. The offer was declined, believing as they did, that their best course in relation to the prisoners was to return and report to their fellow citizens the result of their inquiries and observations.

Colonel Baker stated further, that he found the Canadian authorities were much better acquainted with the plans and operations of the patriots in their secret lodges than he was, they having derived correct information from the prisoners and from their secret agents, who had been employed for that special purpose during the last summer and autumn. He also stated, that the sheriff of Kingston had very kindly expended the money forwarded to the prisoners, for their benefit, keeping an account of the same; and that the prisoners were now in much need of further assistance from their friends on this side.

The meeting was addressed by J. A. Spencer, Esq., of Utica, his Honour Judge Gridley, the Hon. Samuel Beardsley, Attorney-General, the Hon. Richard Hulbert, Hon. T. C. Chittenden, Colonel Camp, William Smith, Esq., and the Hon. Daniel Wardwell. These gentlemen, in spirited addresses, urged the great necessity of disabusing the public mind in relation to Canadian affairs—the importance of regarding our own laws and the rights of others—the absolute necessity of speaking out in a voice that will be respected at home and abroad, and to adopt the most rational measures to mitigate the fate of those young men, now standing on the very borders of the tomb.

To such of our citizens as had not before listened to the fervid and soul-stirring eloquence of Messrs. Spencer, Gridley, and Beardsley, the occasion was one of absorbing interest. Their hearts seemed warmed with the noblest philanthropy, and their tongues dispensed words that indeed burnt deep into the hearts of their hearers. We could not, had we space and time, do justice to their efforts; suffice it to say, that as the subject of their remarks is all important, whether we regard individual happiness or national prosperity and honour, so did they, impressed with that importance, acquit themselves with honour.

A committee of seven was then appointed to draft resolutions, and a collection of *sixty-five* dollars taken up for the benefit of the prisoners, and the meeting adjourned to Wednesday evening at the American.

Wednesday evening, December 19.—The adjourned meeting was held in the American, pursuant to notice. D. N. Burnham, Esq., was appointed secretary in place of J. Mullin, absent. Colonel Baker repeated to the meeting the result of his visit to Kingston, followed by E. G. Merrick, Esq., who fully corroborated the statements of Colonel Baker.

The meeting was addressed by J. A. Spencer, Esq., of Utica, Charles Mason, Esq., of Madison county, Hon. R. Hulbert, and G. M. Bucklin, Esq. The Committee on resolutions, reported a series, which were read and commented upon by Mr. Spencer. Subsequently, they were severally read, and as follows, *unanimously* adopted. The amount taken up at this meeting for the prisoners in Kingston was 75 dollars; the sum total for that purpose at the two meetings and on Wednesday, 150 dollars.

#### RESOLUTIONS.

Resolved,—That we regard the preservation of peace with Great Britain as all-important to the best interests of the American and British nations; but that we have no reason to expect its long continuance, unless our citizens refrain from hostile invasions of, or intermeddling with, her territories.

Resolved,—That we feel a deep-seated desire to maintain and preserve the greatest freedom of intercourse and the most friendly relations with our neighbours of Canada; and that the best evidence we can give of our sincerity will be to do unto them as they do unto us,—leave them to enjoy the government of their choice.

Resolved,—That the inhabitants of our frontier are loudly called upon by every consideration of justice and sound policy to exert themselves to the utmost of their power to prevent all hostile invasions into the neighbouring Canadian provinces by bands of armed men from our borders; and that we pledge ourselves, to our Government and to each other, faithfully and fearlessly to preserve the peace of this frontier, the faith of treaties, and the supremacy of the laws.

Resolved,—That any movements injurious to Canada, are open, flagrant violations alike of international law, of the enactments of the Congress of the United States, and of the Canadian Provincial Parliament; and that our ministerial officers, civil magistrates, and judicial tribunals, should be vigilant and prompt to arrest and ready to condemn any and every violation of our laws.

Resolved,—That there is too much reason to believe that many of our citizens have formed themselves into secret lodges or societies, under the sanction of extra-judicial oaths, for the purpose of promoting the organization and armament of bands of men to invade Canada; and that we earnestly call upon these misguided citizens everywhere and at once to disband.

Resolved,—That we regard the late attack upon Prescott as characterized alike by rash-

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ness, weakness, and folly; and that while we pointedly condemn and rebuke those engaged in it, we feel called upon to express our solemn conviction that most, if not all, of them were influenced by misrepresentation, and acting under a delusion as strange and unaccountable as it has been disastrous and fatal, without any feelings of hostility toward our Canadian neighbours, but under the expectation and belief that instead of fighting with, they would be hailed by them as the champions of liberty, and received with open arms and heartfelt greetings.

Resolved,—That we, in common with all our countrymen, feel a deep commiseration for our misguided citizens captured near Prescott, and now in confinement at Fort Henry, in Canada; and that while we acknowledge the right of the provincial authorities to condemn according to the laws of their country, in the exercise of this authority we hope to see justice tempered with mercy, and expect to witness magnanimous treatment toward these unfortunate men, worthy of a brave and generous people.

(Copy.)

Enclosure 6 in No. 1.

To his Excellency Sir GEORGE ARTHUR, Governor of Upper Canada.

SIR,

Lyme, December 13th, 1838.

Encl. 6 in No. 1.

THE petition of the undersigned inhabitants of the town of Lyme, in the county of Jefferson, and State of New York, respectfully sheweth, that they are informed that Charles Smith, late of the town of Lyme, in this county, is confined at Fort Henry, in Kingston, Upper Canada, and under sentence of death for participating in the late outrages committed in defiance of law upon the peaceable and unoffending citizens of Her Majesty's Government at the Windmill, near Prescott.

The undersigned, as citizens of the United States, feel the delicacy of their situation in soliciting your Honour to pardon an individual who has, by his own act, placed himself beyond our jurisdiction, by violating our own laws, as well as forfeiting his life to the offended laws of the country he has invaded; and nothing but the extreme solicitude we feel for the fate of this youth, our entire belief that gross misrepresentations led him to join in that act of wanton aggression, induces us to present the circumstances of his case for your consideration and mercy. The subject of this petition is a young man under twenty-one years of age, a native of England, and arrived in this country in company with a widowed mother (his father having died on the voyage), and three brothers, about four years since. His uniform good habits and conduct have endeared him to all who know him, and to them is a sure evidence that a misguided zeal alone led him to join in the perpetration of an outrage for which his life is forfeited. The undersigned, therefore, have nothing to present in extenuation for his crime, and on which they beg for mercy to be extended to this young man, but his age, his character, and the fatal delusion which they believe has governed his conduct.

(Signed)

Zebulon Converse,  
Jonathan Howland,  
Smith Bartlet,  
Jere Carrier,  
Nelson Potter,  
S. S. Robinson,

Henry Ainsworth,  
John Davillard,  
J. T. Ainsworth,  
Buel Trullen,  
Orra Squires.

(Copy.)

Enclosure 7 in No. 1.

To his Excellency Sir GEORGE ARTHUR, Governor of Upper Canada.

SIR,

Albany, 22nd December, 1838.

Encl. 7 in No. 1.

I HAVE hitherto refused to take any part in applications addressed to you in behalf of individuals taken in arms within the Canadian territories. The case of Mr. Sweatman of this city, which is about to be presented to you, is a *peculiar* one. The application in his behalf is signed by some of the most respectable gentlemen in this city, and their statements are entitled to the fullest confidence. Under the circumstances I depart so far from the rule which I have hitherto observed, as to beg you to take the case of Mr. S. into your favourable consideration. I write you in great haste as the papers are to be dispatched immediately, and I beg you to be assured of the considerations of respect with which

I am, &c.

(Signed)

JOHN A. DIX.

(Copy.)

To his Excellency Sir GEORGE ARTHUR, Governor of Upper Canada.

Albany, 21st December, 1838.

WE the undersigned citizens of Albany, in the State of New York, respectfully represent to your Excellency that we have this morning learnt from the public papers that Daniel Sweatman, late of this city, has been taken prisoner for an hostile invasion in the province of Upper Canada.

Although we do most strongly deprecate every such aggression made on the soil of a country at peace with us, and more especially on that of a nation, not only so intimately connected with us by unbounded commercial transactions, but also by the stronger bonds of consanguinity and common language, we would in this instance most respectfully represent to your Excellency, that there are isolated and peculiar cases which call for mercy; that the crime should be considered with reference to the state of mind of the offender—and that this anomalous case of Sweatman's will induce your Excellency to consider him not unworthy of Her Majesty's clemency.

We, therefore, submit to your Excellency that we are credibly informed, Sweatman, at the time he left this city (November last) was considerably harassed in mind, that he was incoherent in his usual manner and language, and that he became incapable to deliberate on the rash act he undertook.

We believe that this imbecility of mind was occasioned by some pecuniary losses which he had recently experienced, and the fear of some of his creditors who were harassing him for their demands; and from an injury he received in 1835.

Being thus situated, he suddenly and precipitately fled from his home, scarcely conscious to what point he was wandering, (taking with him only 20 dollars,) and leaving an amiable wife (far advanced in pregnancy) totally destitute.

Since his departure we have understood he went towards the west, and we have no doubt that, being deceived by desperate and designing men on the borders, he was easily prevailed upon, in his infirm state of mind, to embark in the rash adventure in which he was taken prisoner.

We further beg leave to represent to your Excellency, that we consider Sweatman would not have thus acted had not the combined and unfortunate circumstances before alluded to occurred—circumstances which rendered him regardless of what might befall him—an imbecility of mind which incapacitated him from reflecting upon consequences.

We, therefore, most respectfully, but earnestly, hope that your Excellency will be pleased to take this case into your serious consideration. We consider the whole circumstances as truly deserving of commiseration—his crime was not the crime of the heart—reason lost its accustomed sway;—his reflection was incapable of exertion, and he became a prey to one of the most deplorable maladies which falls to the lot of humanity. We do, therefore, most earnestly entreat your Excellency to recommend his singular but unfortunate situation to Her gracious Majesty's clemency.

(Signed) James Fraser,  
A. Hooghkirk,  
Henry Crandall,  
Erastus Miller,  
Isaac Denniston, jun.  
Rufus Wilson,  
Lend L. Steele,  
Teunis Brinkerhoff,  
Henry Smith,  
John Rickard,  
John Devue,  
Henry C. Southwick,  
Wm. S. Shepard,  
A. W. Seamens,  
John W. Cramell,  
Daniel S. Davis,  
James Moore,  
Henry Schermerhorn,  
Peter Ganesvoort,  
William Seymour,  
E. S. M'Kinney,  
Thomas Bayeux,  
Lyman Lloyd,  
J. V. N. Yates,  
Geo. Guardenier,  
W. Crannell,  
J. Gillespie  
J. B. Green,  
Calvin Pierson,  
James Bell,  
John Hendrickson, jun.  
William Hendrickson,

Sol. Hayes,  
W. R. Hills,  
Ira Porter,  
William Winne,  
H. V. Holcombe,  
John J. Slingreland,  
L. K. Norton,  
Cornelius Vandubilt,  
Wm. Sherwood,  
R. R. Van Duesen,  
Philip Van Derlip,  
Nicholas Hitchcock,  
Cornelius Glen,  
Alexander Lovie,  
John Reynolds,  
George Nelson Westen,  
Thos. Hilson, jun.  
John Niblock,  
George Shooz,  
Philo B. Cole,  
N. C. Flagg,  
E. Croswell,  
James M'Kown,  
J. V. Blanchard,  
B. B. Whalen.  
Thomas Taylor,  
F. T. Remington,  
W. D. Johnson,  
John W. Hinkley,  
David Newcomb,  
William B. Knower.

I certify that I am acquainted with most of the persons who have signed this petition. They are among several of our most respectable citizens, and their statements are, in my opinion, to be relied on for correctness.

Albany, 23rd December, 1838.

(Signed)

W. L. MARCY.

No. 1.  
Sir George Arthur  
to Lord Glenelg.  
1st January, 1839.  
Encl. 7 in No. 1.



No. 1.  
Sir George Arthur  
to Lord Glenelg.  
1st January, 1839.  
Encl. 8 in No. 1.

(Copy.)

Enclosure 8 in No. 1.

SIR,

Government House, 17th December, 1838.

IN acknowledging the receipt of a petition signed by yourself and ten other citizens of the United States, soliciting the Lieutenant-Governor's merciful consideration of the case of Charles Smith, whom you represent to have formerly borne an excellent character, and to have been probably deluded by bad companions into the commission of the crime for which his life has been most justly forfeited, I am commanded by his Excellency to inform you, that the gentlemen who signed that petition should have addressed themselves to the government of the United States, which would have exercised its discretion in making their application the subject of a communication to Her Majesty's government, and his Excellency feels that it is irregular for him to take any notice whatever of your representation, as by doing so, he must depart from the course which has been established, in regard to the official channels of communication between the governments of different countries, on the clearest grounds of reason and propriety.

In reference, however, to the prayer of your petition, his Excellency cannot refrain from directing your attention, and that of the other individuals, who have attempted to interpose their good offices in behalf of Charles Smith, to the peculiar enormity of the offence for which he has been adjudged to suffer death; and his Excellency would put it to yourselves to say, whether, if in a time of profound peace, the territory of the United States had been six times audaciously invaded, and many of their virtuous citizens inhumanly murdered by a number of Her Majesty's subjects, without even the colour of a *pretext* for so atrocious a proceeding, you would have deemed any of the participators in so unhallowed an enterprise deserving in the smallest degree of commiseration and pity?

Yet whilst his Excellency is sensibly alive to the sacred obligation imposed on him by the station he fills, to secure the inhabitants of this province from further aggression and injury by well-timed examples of rigour and severity towards the criminal authors of the late disturbances and bloodshed, he is so far from carrying to the discharge of this painful duty any vindictive feelings, that he would eagerly and anxiously seize upon any occasion that may fairly present itself, in the investigation of the several cases now before him for the exercise of clemency—and with this declaration of the general principles by which his conduct will be guided in the determination of all the cases growing out of the recent invasion, his Excellency directs me to add, that the case of Charles Smith will be decided in strict conformity thereto.

I am also desired by his Excellency to assure you that he has observed with much satisfaction the decided manner in which you deprecate the infamous transactions which have lately occurred on this frontier; and his Excellency readily embraces the opportunity now afforded him of expressing his earnest hope and expectation that you, in common with all the respectable citizens of America, will exert your influence and active exertions to repress the unprovoked hostility of a part of your countrymen towards the inhabitants of the Canadas; and to restore that harmony and good understanding between the people of both countries, on which their mutual prosperity and comfort must ever materially depend.

I have, &c.  
(Signed) R. A. TUCKER,  
Prov. Secretary.

Zebulon Converse, Esq.  
Lyme, County of Jefferson, State of New York.

(Copy.)

Enclosure 9 in No. 1.

SIR,

Government House, Toronto, 1st January, 1839.

Encl. 9 in No. 1.

THE Lieutenant-Governor has received your letter of the 22nd ultimo, enclosing a representation from many of the most respectable citizens of Albany, on behalf of Daniel Sweatman, now a prisoner at Amherstburgh, who is stated on the authority of a medical affidavit, to be suffering under mental imbecility, from the effect of an injury in the head which he experienced a few years since; and whose former moral character is asserted to have been such as to entirely preclude the supposition that he would, if in possession of his reasoning faculties, have embarked in so criminal an enterprise as the invasion of a country at peace within herself, and in amity with all the world.

And, in reply to this communication, I am directed by his Excellency to assure you, that, whilst he feels most deeply the sacred obligation imposed on him of endeavouring to repress, by well-timed examples of rigour, the severe evils which have for some time past been wantonly inflicted on the unoffending inhabitants of this province, by the unprovoked aggressions of a lawless and unprincipled portion of the border population of the United States of America, he is equally anxious to practise every degree of lenity and clemency which he conscientiously believes to be compatible with this paramount duty of protection to the people committed to his charge; and he is accordingly disposed to seize with alacrity every opportunity which may fairly present itself for the exercise of mercy.

Under the strong influence of this feeling, his Excellency has perused with much interest the several documents transmitted by you, relative to the case of Daniel Sweatman; and satisfied by careful examination of them, that they exhibit sufficient proof of a defect of that reason, under the privation of which man cannot justly be deemed liable to punishment for any acts he may have committed, his Excellency has sincere pleasure in complying with your request, and that of the other numerous citizens of Albany who have interested themselves in the fate of this unfortunate individual, who will, in consequence, be immediately released from confinement, if his present situation will permit that course of proceeding to be adopted with safety; or otherwise, will merely be detained in custody until his friends shall be enabled to send for him.

In announcing to you this decision, I am further instructed by his Excellency to express his great satisfaction at the manner in which the flagitious conduct of the brigands is deprecated by the respectable citizens of Albany; and his earnest hope that, not content with barely cherishing these praiseworthy sentiments in their bosoms, they will manfully and zealously exert themselves to put a stop, by every means in their power, to a state of things which exposes us to the most unmerited injuries, and, at the same time, has a direct tendency to sever those bonds of friendship which it has been his Excellency's constant desire to preserve between Great Britain and the United States of America.

I have, &c.

(Signed)

R. A. TUCKER,  
Provincial Secretary.

P.S.—As a further exposition of his Excellency's sentiments, I am desired by him to enclose you the copy of an answer lately returned by me to an application from many of the citizens of Lyme, in favour of another of the prisoners now in confinement at Fort Henry.

John A. Dix, Esq.,  
Secretary of State, Albany.

No. 1.  
Sir George Arthur  
to Lord Glenelg.  
1st January, 1839.  
Encl. 9 in No. 1.

(No. 3.)

No. 2.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to LORD GLENELG.

MY LORD,

Upper Canada, Toronto, 2nd January, 1839.

I INFORMED your Lordship in my Despatch of the 13th ultimo, No. 105, that I had directed a Militia General Court-Martial to assemble at London, for the trial of the prisoners taken in the late affair at Windsor; and in my Despatch of yesterday's date, No. 1, I further stated that a Report of the cases of these prisoners had just reached me, and expressed my belief that the enormity of the crimes committed would render necessary the infliction of very severe punishment on the perpetrators of them.

With reference to these Despatches, I have the honour to transmit a copy of the proceedings of the Court-Martial now assembled at London, in the case of Hiram Benjamin Lynn, the first of the Windsor prisoners who has been tried, and who, having been found guilty, has been condemned to death.

I likewise transmit a copy of the minute of the Executive Council on this case, by which your Lordship will perceive that, acting on the advice of the Council, I have approved the finding and sentence of the Court, and have accordingly directed that the culprit shall be executed at or near London, on Monday the 7th instant.

These documents are accompanied with copies of letters which have been addressed to me by the Judge Advocate at London, and by the Attorney-General of the province, both having reference to the subject in question.

Your Lordship will perceive, by the letter of the former gentleman, that the object which I contemplated in causing the prisoners to be removed for trial from Amherstburg to London, promises to be effectually attained, and that the measure has given very general satisfaction in the Western District. It is true that the expense incurred by these proceedings is onerous, but it will be considered trifling, if weighed against the advantages derived from the absence of the prisoners from the scene of their atrocities, where so much excitement and apprehension still continue to prevail.

I have, &c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

No. 1.

No. 2.

No. 3.

For Despatch 13 Dec.  
No. 105, vide Papers  
relative to British  
North America.  
Ordered to be printed  
Feb. 1839—p. 369.



No. 2.

Sir George Arthur  
to Lord Glenelg.  
2nd January, 1839.

Encl. 1 in No. 2

(Copy.)

Enclosure 1 in No. 2.

Government House, Toronto, Monday, 31st December, 1838.

Present :—His Excellency the Lieutenant-Governor, the Honourable Robert Baldwin Sullivan, William Allan, Augustus Baldwin, Richard Alexander Tucker.

The Council met, having been specially summoned by order of his Excellency the Lieutenant-Governor.

His Excellency was pleased to lay before the Council the following papers, which were read ; viz.—

1st.—A letter from Henry Sherwood, Esq., Judge Advocate, dated London, 28th December, 1838, of the assembling of the court-martial at that place, and the conviction of Hiram Benjamin Lynn.

2nd.—Proceedings of the militia general court-martial on the trial, conviction, and sentence of Hiram Benjamin Lynn.

3rd.—Attorney-General's report on the above proceedings ; and stating that he did not discover any legal objections to carrying the sentence of the Court into execution.

The Council having attentively perused the proceedings of the court-martial, and carefully considered the case of Hiram Benjamin Lynn, who was clearly proved to have been associated with the brigands at a very early period—to have been actively employed as adjutant, in drilling them, preparatory to the invasion—and to have borne a conspicuous part in their subsequent operations—were unanimously of opinion that the said Hiram Benjamin Lynn was, on every account, a proper object for capital punishment.

His Excellency the Lieutenant-Governor, concurring entirely in the recommendation of the Council, was pleased to approve and confirm the finding and sentence of the court-martial upon the said Hiram Benjamin Lynn, and to order that his execution should take place, at or near the common gaol of London, in the district of London, on Monday, the 7th of January next ensuing, between the hours of eight and nine o'clock in the forenoon.

(Copy.)

Enclosure 2 in No. 2.

SIR,

London, 28th December, 1838.

Encl. 2 in No. 2.

THE court-martial assembled here yesterday, and there was a very full attendance of members. As soon as the preliminary matters were gone through, I proceeded with the trial of an American by the name of Hiram Benjamin Lynn ; and to-day, at twelve o'clock, the Court found him guilty, and sentenced him to death. The examination of witnesses was very long indeed ; I have therefore been unable as yet to have a fair copy of the proceedings completed, but I shall have it prepared in a state to be transmitted to your Excellency early to-morrow morning.

Lynn was adjutant of the brigand force ; and from all I can learn, was a very active and prominent man amongst them. He was captured in the woods near Stoney Point, on the river St. Clair, by a serjeant and three or four men of the embodied militia ; and having refused to surrender, was fired upon by them and severely wounded in the arm. His appearance is that of a very active and resolute person, and I certainly think, if your Excellency intends that any of the party should suffer the extreme penalty of the law, he ought to be one of the number selected.

To-morrow I shall proceed with the trial of a person by the name of Bedford, whom I mentioned in my last letter to the provincial secretary. The evidence, I think, will be conclusive against him.

He was convicted of treason last year ; or rather, availed himself of the provisions of the Act and petitioned, and was subsequently pardoned. Upon this occasion he officiated as a captain, and was, as I have been informed, amongst the most prominent of those who organized the invasion.

I am happy to have it in my power to inform your Excellency that I have no reason to apprehend any interruption to the proceedings of the Court from the want of evidence. The young gentleman whom I despatched to Sandwich has returned with some witnesses, and Mr. Givins is now there forwarding others. I have been a little disappointed by Colonel Airey not sending forward the prisoners from Amherstburg as he was ordered. They have not yet arrived.

I feel also happy in being able to inform your Excellency, that your views as expressed by the Assistant Military Secretary in his letter to Colonel Airey of the 20th instant (a copy of which was enclosed to me by the Provincial Secretary), as to the expediency and propriety of trying the prisoners here, are fully and properly appreciated by the inhabitants of the Western District. At least, the witnesses who have arrived here from that quarter, who are very respectable and intelligent persons, so express themselves, and say that such is the general feeling throughout their community. They say that the mass of intelligent and thinking men about Sandwich are clearly of opinion that there exists too much excitement amongst them to carry on the trials of those prisoners with anything approaching to impartiality.

I will lose no time in transmitting to your Excellency the proceeding of each trial as soon as it is completed.

His Excellency  
Major Gen. Sir George Arthur, K.C.H.  
&c. &c. &c.

(Signed)

I have, &c.

HENRY SHERWOOD.

No. 2.  
Sir George Arthur  
to Lord Glenelg.  
2nd January, 1839.  
Encl. 2 in No. 2.

(Copy.)

Enclosure 3 in No. 2

Attorney-General's Office,  
Toronto, 31st December, 1838.

To His Excellency Major-General Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor  
of Upper Canada, &c., &c.

May it please your Excellency,

IN obedience to your Excellency's commands that I should peruse the proceedings of the militia-general court-martial, assembled at London, upon the trial of Hiram Benjamin Lynn, and report to your Excellency whether I discover any legal objection to carrying the sentence of the court into execution, I have the honour to state, that having perused the proceedings referred to, I do not discover any legal objection to carrying the sentence of the court into execution.

Encl. 3 in No. 2.

All which is respectfully submitted.

(Signed)

CHARLES A. HAGERMAN.  
Attorney-General.

(No. 8.)

No. 3.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR,  
K.C.H., to Lord GLENELG.

MY LORD,

Government House, Toronto, 29th Jan., 1839.

REFERRING to my Despatch to your Lordship of the 4th instant (No. 5), I have the honour to transmit herewith a copy of a minute of the Executive Council, by which your Lordship will perceive that it has been my painful duty to order for execution, pursuant to their sentence, the three prisoners named in the margin, who have been tried before the Militia General Court Martial held at London, being parties to the late atrocious affair at Windsor, in which they took a very prominent part.

The proceedings of the court in the cases of these criminals will be transmitted to your Lordship by an officer proceeding to New York in the course of three or four days, and will be accompanied by those in the cases of Daniel D. Bedford and Albert Clark, which have been already reported to your Lordship.

My desire to make your Lordship acquainted without delay with the result of these trials in every case in which capital punishment is resorted to, induces me to transmit this communication, together with two or three other despatches, through the medium of the post (which, independent of other objections, is nearly as expensive, if the package be a large one, as sending a special messenger) to the care of Mr. Moore, the British Agent at New York, with the view that they may be forwarded by the steam-ship "Liverpool" on her homeward voyage.

I have, &c.  
(Signed)

GEO. ARTHUR.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

No. 3.  
Sir George Arthur  
to Lord Glenelg.  
29th January, 1839.  
For Despatch, 4th Jan.

No. 5, vide Correspondence relative to the Affairs of British North America. Ordered to be printed, Feb., 1839—p. 381.

26th January, 1839  
C. Cunningham  
J. G. Doan.  
Amos Perley.



No. 3.  
Sir George Arthur  
to Lord Glenelg.  
29th January, 1839.

(Copy.)

Enclosure No. 3.

MINUTE of the EXECUTIVE COUNCIL on the CASES of C. CUNNINGHAM, J. G. DOAN, and AMOS PERLEY.

Executive Council Chamber, Toronto,  
Saturday, 26th January, 1839.

Present—The Hon. Robert Baldwin Sullivan, Presiding Councillor; William Allan, William Henry Draper, Richard Alexander Tucker.

To his Excellency Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of the province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

Enclosure in No. 3.

THE Executive Council, pursuant to your Excellency's commands, have taken into consideration the cases of prisoners reported to be tried and convicted before the court-martial assembled at London, on the charge of being concerned in the late invasion at Windsor, in western district; and, upon the most mature deliberation, they are led to the conclusion of recommending to your Excellency that, in addition to the three cases in which warrants of execution have been issued, the following convicts be ordered for execution.

In all the cases reported, the Attorney-General has advised your Excellency that, upon perusal of the proceedings, that officer sees no objection in law to the carrying into effect the sentences of the court-martial.

The cases of these convicts, upon which the Council feel obliged to judge unfavourably, may be shortly stated as follows:—

1st. Cornelius Cunningham was a colonel amongst the brigands, and commanded the infantry division, or detachment, in the attack upon Windsor. Frequent mention is made in the proceedings on the other trials that he administered the oath of secrecy to some of the party, and was very active in furnishing them with information as to the disaffected state of these provinces. He resided in the province for some years, within about three miles of Woodstock. He has the appearance of being a very shrewd and active man. This statement was copied from the report of the Judge Advocate, and from an attentive perusal of the evidence, the Council found it strictly correct.

2nd.—Joshua Gillam Doan was a follower of Duncombe in the rebellion last winter, and took so prominent a part on that occasion, as to induce the Government to offer a reward for his apprehension: he appears to have been active in the late invasion, to have been consulted by the officers, and there can be little doubt of his being one of those by whose misrepresentations respecting the feeling of the people of the province, the brigands from the United States were led to hope for a successful result of their incursion.

3rd.—Amos Perley appears, from his own defence, to have been an intelligent and active man: he came under the expectation at least of being a major under Colonel Harvil, and was treated as holding that command: his accession to the brigand force appears to have been extremely deliberate. He states himself to have been a major of militia in the United States; and he belongs to a class of society which makes his punishment beneficial as an example, and gives an inducement to merciful consideration to the cases of more obscure or less intelligent criminals.

The council forbear any present remarks upon the cases of the other criminals, upon which they have entertained doubt as to whether they should not be included in the number of the convicts for capital punishment; but they will, without any delay, consider the cases of the whole number of convicts, when the final report shall come before them.

It is therefore respectfully recommended that the respective finding and sentences of the Court Martial upon Cornelius Cunningham, Joshua Gillam Doan, and Amos Perley, be approved and confirmed, and that the said Cornelius Cunningham be executed on Monday the fourth day of February next; and that the said Joshua Gillam Doan and Amos Perley be executed on Wednesday the sixth day of the same month, at or near the common gaol of London, between the hours of eight and nine o'clock in the forenoon of the same days respectively.

All which is respectively submitted.

(Signed)

R. B. SULLIVAN, P. C.

Approved; and the Provincial Secretary will prepare the necessary warrants without delay.

(Signed)

GEO. ARTHUR.

(No. 12.)

No. 4.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR,  
K.C.H., to Lord GLENELG.

MY LORD,

Toronto, Upper Canada, 5th February, 1839.

I HAVE the honour to report to your Lordship that the case of the prisoner, Layman L. Lewis, having been considered in the Executive Council on the 2nd instant, the Council advised that he should suffer the extreme penalty of the law; which advice I have approved, and the convict is ordered for execution on Monday, the 11th instant.

This man's real name is Leach. There can be no doubt that he was a very active partisan in the "Patriot" cause: he was taken on the occasion of the descent made at Prescott, and was certainly concerned, second only to Johnston, in the destruction of the steam-boat "Sir Robert Peel."

The minute of the Executive Council with respect to this case is transmitted for your Lordship's information.

No. 4.  
Sir George Arthur  
to Lord Glenelg.  
5th February, 1839.

Inclusive of this prisoner, eleven of the brigands who made the descent at Prescott, and six of those who made the descent at Windsor, have now been ordered for execution. I am convinced your Lordship will rejoice to learn that, having considered the remaining cases with the greatest attention, as well as the present state of the province and the movements of the brigands on the opposite shore, I do not deem it necessary to carry capital punishment to a greater extent; in which opinion, as your Lordship will perceive from their minute, the Executive Council concur with me.

No. 1.  
2nd February, 1839

The case of every criminal doomed to suffer capitally has been weighed with the utmost deliberation, and I do hope that the selection has been wisely made, though it may undoubtedly be the fact, that some still more guilty have been spared. The difficulty of discriminating upon the strength of such information as was afforded, has been indescribably great, and your Lordship, I am persuaded, will readily appreciate the anxiety which, in consequence, I have undergone.

I have borne in mind throughout this painful tragedy, the deep repugnance with which Her Majesty's Government regarded the infliction of capital punishment; and, it may be, that I have exceeded the limit which your Lordship would have prescribed, could your instructions possibly have been received. At the same time, in such a painful situation as I have been placed, it is a great relief to me to know, that even the most humane class of persons in this province are of opinion, that in so far as it could be extended, the course of the Government has been a merciful one, whilst a necessity existed to crush the wicked conspiracy that had been formed to desolate the province, and which possibly, if indeed not probably, may be formed again.

The moderate and respectable class of the American citizens have expressed the same feeling strongly, and have spoken in terms of the highest admiration, at the calm deliberation and perfect justice with which, throughout, the trials of the prisoners have been conducted.

To such an extent has this feeling been carried, that although the prisoners were permitted to employ counsel, and their friends in the States were at first anxious to procure legal advisers for them, yet, after they witnessed the proceedings of the court, the strict impartiality, and the earnest desire of the members to yield in no way to excitement, but to afford them every protection and encouragement in making their defence, they abandoned all other assistance, and throw themselves entirely on the court.

It had not been the object either of the government or the courts-martial, in the conduct of these trials, to conciliate the American people, who possessed but little claim to any such consideration; but, as far as regards at least a considerable portion of them, it will be satisfactory, I am convinced, to Her Majesty's government to find, if assurances may be relied on, that such has been the result.

In constituting the courts, I had the most scrupulous regard to the qualifications of every member I selected; and in transmitting to your Lordship



No. 4.  
Sir George Arthur  
to Lord Glenelg.  
5th February, 1839.

with this despatch copies of the remainder of their proceedings, in addition to those already sent, I am sure I shall elicit the expression of Her Majesty's most gracious approbation of their conduct.

I cannot commend too highly the indefatigable exertions and great ability displayed by Colonel Draper and Lieut.-Colonel Sherwood, employed respectively in the capacity of Judge-advocate of the courts-martial assembled at Kingston and at Windsor.

No. 2.  
No. 3.  
No. 4.  
No. 5.

Returns prepared by these officers respecting all the prisoners are enclosed herewith, accompanied with narratives in which they have embodied much useful information, elicited during the progress of the trials; besides many valuable remarks upon recent events and the present state of feeling incident to the trials.

The question now remains, what is to be done with the body of prisoners who are under sentence of death, and all of whom, with perhaps two or three exceptions, well deserved, from the enormity of their crimes, to have suffered the extreme penalty of the law?

To banish them would be of course no punishment; the only place of secondary punishment we have is the Provincial Penitentiary at Kingston, which is full of inmates already; and to employ such persons at hard labour on the roads or other public works, would be dangerous and injudicious in many respects, which will readily suggest themselves to your Lordship's mind.

Nothing remains, then, but transportation; but, on the other hand, the removal by this means, of the whole of the prisoners, would involve a very great expenditure, in addition to what has already been incurred on account of them.

These difficulties I have fully discussed with the Executive Council, who concur with me in opinion that, under all the circumstances, the best course to be pursued, is to grant at once a free pardon to all the prisoners whose youth and inexperience may plead in extenuation of their guilt, and transport the remainder.

No. 6.  
4th February, 1839.

The subject is carefully considered in the Minute of Council, of which I have the honour to enclose a copy; and there are many advantages attending the adoption of such a course of proceeding as is suggested. By an act of clemency so extensive, and so unmerited by the culprits, the reflecting portion of the American citizens will see it established beyond all question, that we are not influenced by vindictive feelings; while the licentious and lawless portion of that people, will find that our laws are not to be trifled with, and that transportation to a convict settlement, which they dread exceedingly, is one among the penalties of their violation.

My present impression is that this course, if taken at all, should be taken at once. It would certainly be a great relief to me to be previously in possession of the sentiments of Her Majesty's government on a subject so important; but the effect which I wish to produce upon the people of America will be greatly diminished by delay in the employment of the means contemplated.

I shall therefore at once proceed to act upon the advice of the Council, after having ascertained from the Governor-General that, in his opinion, the affairs of the Lower Province would not be injuriously affected by the measure.

Your Lordship must not expect that it would prove a popular one in this province. The feeling of excitement is too great at present in many quarters to allow the exercise of a calm judgment: most disastrous results have accumulated upon Her Majesty's subjects—the depreciation of their property—the ruinous losses in many respects entailed upon them, and the general suffering they have endured—are all causes tending to agitate them exceedingly; and, while they have for some time past, looked to a war with the United States as the only panacea for all their grievances, they seemed determined to believe that the American citizens are enemies not to be conciliated.

Nevertheless, with the perfect knowledge I possess of the actual state of this province, my deliberate judgment is, that no greater calamity could happen to it than a war with the United States. All I can add is that, certainly, it is possible, such an act of clemency as I propose may fail to produce the intended conciliatory effect; but it surely ought to produce it, and, I trust, would do so. At all events, I cannot yet bring myself to think so harshly of human nature as to suppose that not only those who may be pardoned, but

their friends, relatives, and connexions, would be unmoved by the spontaneous act of the Government in restoring to society a number of individuals who have acknowledged themselves guilty of the flagrant violation of our laws, and to be deserving of the severest punishment for their crime.

I have, &c.

(Signed) GEO. ARTHUR.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

No. 4.  
Sir George Arthur  
to Lord Glenelg.  
5th February, 1839.

Copy.)

Enclosure 1 in No. 4.

Minute of the Executive Council respecting the case of LYMAN L. LEWIS.

Executive Council Chamber, Toronto, Saturday, 2nd February, 1839. Present:—The Honourable Robert Baldwin Sullivan, Presiding Councillor; William Allen, Augustus Baldwin, William Henry Draper, Richard Alexander Tucker.

Enclosure 1 in No. 4.

To his Excellency Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of the province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

THE Executive Council have, according to your Excellency's command, examined the cases of the prisoners convicted at Kingston before the court-martial lately assembled there, with a view to make a concluding report, as to the extent to which it now appears necessary to carry capital punishment.

The Council would have felt much relieved had there been no strong grounds for adding to the list of those for capital punishment, and they regret to find the case of a convict, named Lyman L. Lewis, or who assumed that name, his real name being Leach.

Besides the case clearly made out against him, upon which he was convicted, it appears in evidence that he had joined himself to the notorious Johnson, at Fort Wallace, so early as the month of July last; and he is moreover stated, though not in evidence, as indeed no examination on that point could regularly take place before the court-martial, to have been second in command at the destruction of the "Sir Robert Peel." This accounts for his change of name, and forces upon the Council the belief that he was concerned in that outrage. The Council do not intend that the prisoner should be punished for an offence for which he has not been tried, but they do not hesitate to say, that in selecting objects for merciful consideration, they cannot feel safe, or right, in including a person, whose accession to the conspiracy against the province, at the time when it was most dangerous, is fully proved; and when they know that the hostile outrages for the purpose of which it was formed, were commenced by the destruction of a British steam-boat in American waters; and when it is further considered that the plot has been from the beginning to the present time carried on with persevering malignity and obstinacy on the part of the original conspirators.

It is, therefore, respectfully recommended, that the finding and sentence of the court-martial upon Lyman L. Lewis be approved and confirmed, and that the said Lyman L. Lewis be executed on Monday the 11th February instant, between the hours of eight and nine o'clock in the forenoon of the same day, at or near Fort Henry, in the Midland district.

The Council have further considered the cases of the convicts tried at London, in the London district charged with being concerned in the Windson invasion.

The Council have already expressed the opinion, that the reiteration of invasion in this last instance, called for more strict enforcement of the extreme penalty of the law than the previous hostile incursions.

The council are gratified to be able to offer their opinion, that even consistently with this view, the offended laws of the province have been, in the case of the Western invasion, sufficiently vindicated, when the numbers who perished on the field, and those who have been ordered for execution, are considered. The invaders at Windsor have suffered very much, and very justly; and although the injured inhabitants of the Western district may not at present be of opinion that capital punishment has been carried to its utmost proper extent, the government cannot allow itself to participate even in justly-excited feelings: and the Council now think, that examples in the way of capital penalty have been carried far enough to demonstrate the determination of this government to punish the criminals, without regard to intimidation from the neighbouring country, and to show that no threats or exhibition of hostility directed against private loyalists, or against the public generally, can avail to save the invader from the just penalty of the law. They now gladly feel themselves at liberty to turn to the more agreeable task of recommending to mercy—which they will lose no time in bringing to a conclusion—in the hope that future circumstances will not force upon the government any renewal of the painful and harassing duty of the distributing life and death amongst the members of a community with whom, if they will allow the people of Upper Canada to remain in peace, there is no reason why the most friendly relations may not be maintained between them, and an interchange of good offices take place,—of unprovoked outrage on the one side, and the infliction of just punishment on the other.

All which is respectfully submitted,

(Signed) R. B. SULLIVAN, P. C.



No. 4.  
Sir George Arthur  
to Lord Glenelg.  
5th February, 1839.

(Copy.)

Enclosure 2 in No. 4.

SIR,

Toronto, 26th January, 1839.

Encl. 2 in No. 4.

As the court-martial assembled at London, by order of your Excellency, for the trial of such prisoners as might be brought before it, charged with being in arms against Her Majesty within this province, contrary to the provisions of an Act passed in the first year of Her Majesty's reign, entitled "An Act to protect the inhabitants of this province against lawless aggressions from subjects of foreign countries at peace with Her Majesty," has for the present closed its proceedings, I beg leave, in addition to the reports I have already made to your Excellency upon the different trials as they have taken place, to state that, of the forty-nine prisoners who were taken after the attack upon Windsor, in the Western District, forty-four were brought to trial, forty-three were convicted, and one was acquitted. Two were severely wounded that they could not be removed from their place of confinement at Sandwich, in order to take their trial at London, one was pardoned by your Excellency, and two others who were produced as witnesses on the part of the prosecution remain in custody untried, there being no evidence against them, except their own admissions, made under oath, a species of testimony to which I did not think proper to resort.

The trials commenced on the day appointed by your Excellency for the assembling of the court-martial, and continued without interruption until all the cases were disposed of. Of the forty-four tried thirty-two are citizens of the United States, and twelve are British subjects, as will appear upon reference to a return of the names of the prisoners in alphabetical order accompanying this report. As nearly as I could collect from the evidence in course of the investigation, I think there must have been about two hundred persons in the party of brigands which crossed over from Detroit to Windsor; and that nine-tenths of that number were citizens of the United States.

A person by the name of Birce, an American citizen, and a lawyer, residing in the state of Ohio, and who styled himself "Major-General," commanded the party. After they were attacked at Windsor and dispersed by the loyal militia, this man, with about fifty others, escaped to the American side. Though there were a few British subjects amongst the invading party, some of whom had fled from this province on account of having been engaged in the insurrection here in December, 1837, still the invasion, in my humble judgment, cannot be looked upon in any other light than strictly an *American invasion*. It was evidently one of a series of attacks which were determined upon, being made about that time upon different points in the two provinces, for the purpose of wresting from Her Majesty this valuable portion of Her dominions. And this scheme was not set on foot by the disaffected and rebellious within Upper and Lower Canada, or by such of them as had fled to the United States, but it was a plan devised and matured by American citizens in the different States of the Union, by means of secret societies, the ramifications of which extended, and do still extend, throughout almost every one of the United States; and the existence of those societies—the object for which they were formed, and for which they continue formed—and the alarming extent to which they have been carried, are facts well known and well understood by the American government; and not only well known and well understood, but generally encouraged, by the American people, at least, in the Frontier States.

I feel myself warranted in making these assertions, not from general observations alone, but from the information I received in the course of the late trials in which I officiated as Judge-Advocate.

One criterion by which the feelings of a people can in general be determined is the public press; and it is a well-known fact, that a great majority of the managers and conductors of the American presses throughout the states of Vermont, New York, Ohio, Michigan, and Illinois, have contributed all in their power to aid and assist in the plot, by inflaming the public mind against everything *British*; by circulating knowingly and wilfully the grossest misrepresentations in regard to the feelings and views of our inhabitants, and in regard to the conduct of those concerned in the administration of our government and laws; also by calling on their fellow-citizens in the name of patriotism to arm themselves to assist in giving liberty and laws to the oppressed Canadians—and even after repeated attacks have been made upon our soil, and the invaders have either been killed or taken prisoners by our loyal and gallant population—by circulating, through the medium of their presses, false and wicked statements, declaring the complete and triumphant success of the patriots over the British troops and militia.

As a further proof that the overthrow of our institutions and laws had not entered the minds of a few individuals only, but that it is a subject in which the American people generally have taken deep interest, I will simply advert to the mode which was adopted (as appeared in evidence) by the patriots, as they term themselves, to raise funds to carry on their operations. Besides private donations, a bank was established, called the *Bank of Upper Canada*, a president was chosen, who is a merchant residing in Cleveland, in the State of Ohio by the name of Smith, under whose management the stock was to be sold, and the proceedings arising from the sale thereof were to be applied in carrying on war against the Canadas; each share was to be 50 dollars; articles of association were drawn up, and executed, and each stockholder was to be considered a creditor of Upper Canada, to the amount of his stock, and was to be repaid the principal invested with interest, by the inhabitants of Upper Canada, so soon as they succeeded in changing our present form of government, and in establishing a Republic, either by a direct tax, or by the sale of our lands. The capital stock of the bank was 7,000,000 of dollars; and it appeared in evidence, that the greater proportion of this stock was actually sold: now when it is considered that the formation of this bank took place in one of the largest com-

mercial towns in the State of Ohio,—that the stock was there publicly offered for sale upon the terms I have mentioned, and that a large amount was actually purchased, it becomes a matter of astonishment how a doubt can exist in the mind of any one as to the feelings of the American people, and as to the extent of their participation in the late unjustifiable and wicked outrages which have been committed upon us. As an inducement to persons to enlist in the patriot army, which was organizing to invade Upper Canada, it also appeared in evidence, besides an offer of eight dollars per month, individuals assuming to be Major-Generals and Commanders-in-Chief of the Patriot forces, had publicly, within the United States, offered 160 acres of the lands of this Province to each person who would enlist.

Prior to the late invasion at Windsor, by American citizens, their preparations were all made at and near Detroit, the capital of the State of Michigan, and the residence of the Governor of that State. Their encampment was within three miles of that city, and they were visited daily by many of its most respectable inhabitants. One of the prisoners, in his statement, voluntarily made before magistrates, asserts that Mr. Mason, Governor of the State of Michigan, was not only friendly to the cause in which they had embarked, but that it was supposed and believed amongst the brigands that he was a member of one of their secret societies.

On the evening of the 3rd of December last, on their way to embark on board the steamer which was to carry the party across to the Canadian shore, they all formed and marched through Detroit, and passed near enough to be within sight of the sentinels stationed at the public arsenal there, without any interruption whatever, and on the following morning, when the attack was made upon Windsor, the wharfs, steam-boats, and vessels at Detroit, directly opposite to Windsor, were filled with people, to the number (as is estimated by some of the witnesses) of 5000 persons, cheering the brigands on; and when their flag was unfurled upon Canadian ground, the air was rent with shouts of applause from the assembled multitude on the American shore.

It is really alarming to reflect, that in a neighbouring country, at peace with our parent State, a deep laid and extensive conspiracy can be publicly formed against our lives and property—that, to obtain means to carry the conspiracy into effect, a banking association can be openly entered into in that country, and the stock offered for sale, upon the security of lands, and that arms and ammunition can be openly furnished to the conspirators, without the existence of any efficient law to punish those concerned in it, or in fact, without any effectual attempt being made by the general or local Governments, to check or control the evil.

There are many other circumstances which I might detail to your Excellency to prove that the repeated attacks which have been made upon this Province, and in which several of our most respectable inhabitants have been murdered, were planned and directed by a very extensive and alarming organization of American citizens of all ranks; but it is my desire in this report to confine myself to the information which I elicited during the late trials before the Courts-Martial at London.

In conclusion, I beg leave to suggest to your Excellency, the propriety of demanding from the American Government the individual called *General Birce*, under whose direction the party of brigands acted in their late attack upon Windsor, in order that he may be put upon his trial here, for the murder of our peaceable and unoffending fellow-subjects, who lost their lives by the hands of some of the party which he commanded.

It was clearly proved in the course of the trials at London, that, after Dr. Hume, an officer of the British service, was inhumanly murdered, and his body shockingly mangled, by some of the brigands, Birce possessed himself of his sword, which he carried with him to the United States.

I have, &c.

(Signed) HENRY SHERWOOD, Judge Advocate.

Sir George Arthur, K.C.H.,  
&c. &c. &c.

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to Lord Glenelg.  
5th February, 1839.  
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(Copy)

Enclosure 3 in No. 4.

SIR,

Toronto, 4th February, 1839.

IN transmitting to your Excellency the brief sketch I drew up of the proceedings of the invaders of this province at Windmill Point, I omitted to state that many of the observations which I have had the honour to submit were founded on conversations with many respectable American citizens, some of them holding judicial appointments, who called on me at Kingston, while I was discharging the duty of Judge Advocate.

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I now beg leave to supply this statement for your Excellency's information.

I have, &c.

(Signed) W. H. DRAPER.

His Excellency the Lieutenant-Governor,  
&c. &c. &c.

(Copy.)

Notwithstanding the excitement and alarm that had existed during the preceding winter, by the month of June, 1838, the province was comparatively tranquil, and began to recover from the effects of the insurrection in the home and London districts, as well as of the hostilities committed on the western and St. Lawrence frontiers during the early part



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of the year 1838. And, although there were many of the inhabitants hostile to British supremacy, who had wished well to the insurgents and invaders, and who, perhaps, had secretly assisted them, they saw plainly that the voice of the majority was against them, that the arrival of troops had destroyed the hopes which had been indulged in the winter of 1837-8, and that the cause of rebellion was desperate. The extraordinary clemency and forbearance of the Government, although distasteful (because it was thought in the highest degree impolitic and dangerous) to the loyal population of Upper Canada, could not have been without good effects upon a portion of the disaffected, and might probably not, looking beyond the limits of the province, have in the end proved wise and salutary.

Rumours were, indeed, prevalent that the refugee traitors from Upper Canada had by no means abandoned their design, that repeated discomfitures had taught them the necessity of greater preparation, and of more prudence in their enterprises, but had failed to deter them from similar attempts, and that a deep-laid plot was in progress, supported by a secret but extensive organization of American citizens, for the overthrow of our institutions, and the forcible wresting of the provinces from the British Empire. The destruction of "the Sir Robert Peel" steam-boat, the invasion of the Niagara district, and the almost simultaneous attack on the St. Clair frontier, were immediately regarded as the explosion of this conspiracy; and the accounts first received of the great number of the invaders, supported by the information given from some official channels in the United States, gave colour to an opinion that the moment of a desperate struggle had arrived, and that all the military forces, as well as the individual energies of the inhabitants, would be required to repel the aggressors. When, however, the truth became known, when the numbers of the invaders, the quantity of arms and ammunition, and the full extent of their preparations, were correctly ascertained, the madness of the attempt became so self-evident as almost to justify a belief (erroneous, however, as subsequent events have shown) that a political character was given to the enterprise, to cloak rapine and robbery, and that, while the invaders pretended to have in view the amelioration of the political institutions of the province, their real object was the plunder of its inhabitants. The only excuse or explanation that the prisoners tried for these attacks could give was, that they had been deluded and deceived; that they had been told that the people of the country were ripe for rebellion, and ready to join them, and that success in the attempt to revolutionize the country was certain.

The total failure of these criminal attempts, and the absence of any aid to them from the inhabitants of the province, coupled with the zeal and energy displayed by the sedentary militia in pursuing and bringing in as prisoners those who took part in them, again gave rise to an apparently well-founded hope that peace and tranquillity would soon be restored. The visit of his Excellency the Earl of Durham, Governor-General of the provinces, about this time, to Upper Canada, tended also to strengthen these expectations. In the confidence expressed by him in the national honour and good faith of the Americans, in the frank and liberal hospitality extended to them by his Lordship while in the Niagara district, and in the number of inhabitants of the American frontier who became his guests, and professed the most friendly feelings, additional reasons were found for indulging in these flattering expectations. Time has, however, established, that, while the conduct, and it may be reasonably assumed the representations, of the Americans who visited his Lordship, both in this and the lower province, had induced in his mind a belief that feelings of hostility which had been entertained against the people of this province were suppressed, and had been replaced by a desire to cultivate relations of peace and harmony, a deep and extensive conspiracy for the invasion of Upper Canada, and the entire subversion of British authority therein, was in progress in the United States: and it is not a very improbable supposition that, even among those who availed themselves of the hospitality of the Governor-General at Niagara Falls, might be found individuals leagued in a design to subvert the authority of the Sovereign he represented in British North America.

From various quarters information continued to be received of the organization of lodges of a secret society, under the denomination of "Hunters," or "Patriot Hunters," bound together by oaths, having secret signs and pass-words, and whose object and design was to revolutionize Upper Canada. The number of persons represented to have become "Hunters," although immense, was, probably, not at all magnified; and at all events there can be no doubt that from Maine to Michigan, along the whole frontier of the two Canadas, and to a considerable distance in the interior of the adjoining states, lodges of this description were established; that they were secretly providing arms and munitions of war; that funds to a large extent were subscribed as bank stock, to be charged as a public debt against the province when conquered, on the faith of which paper was to be issued, that many people of wealth and influence had joined them; that agents were busily employed in Upper Canada to organize the disaffected, and form them into "Hunter's lodges"—prepare them to rise in rebellion; and that at a convention held at Cleveland, in the state of Ohio, officers of the intended government of the state of Upper Canada were elected by delegates from the different lodges throughout the whole country. It was in the meantime uncertain where the blow was to be struck: Kingston, Toronto, and several intermediate harbours, Hamilton, the Niagara frontier, different places on Lake Erie, and the eastern frontier of the province, were all spoken of as the intended points of attack. Many of these reports were probably put into circulation by the leaders in the enterprise, to distract attention, and to cover their real design; but not a question can exist that the intention was to overrun the province by making descents at various points,

where they confidently expected to be numerous joined by disaffected persons in the province. In the first week in November the insurrection in Lower Canada broke out; and on the first and following days of that month the "Hunters," south and east of Oswego began to move and concentrate. It appears, from the declaration of the prisoners, there were lodges at the following places in the different counties, ranging from near Oswego, taking a southerly sweep to Ogdensburg, viz. :—

Oswego,	Lerayville,
Salina,	Sackett's Harbour,
Liverpool,	Cape Vincent,
Syracuse,	Chaumont,
Auburn,	Millen's Bay,
Great Bend on the Black River,	Alexandria,
Pamela,	Orleans,
Dexter,	Flat Rock,
Evan's Mills,	Ogdensburg,
Watertown,	Rossie Village;
Brownville,	

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and that, between the first and tenth of November, persons who had been sworn in at "Hunter's" lodges, held at these different places, embarking at different ports and bays, concentrated together, and landed in hostile array about a mile-and-a-half below Prescott.

Muskets and bayonets in considerable quantities had been previously collected, packed in cases, and were shipped on board the steam-boat "United States," either at Oswego, or in some of the bays where that boat puts in on her way down the St. Lawrence. At Millen's Bay, which lies on the south side the St. Lawrence, between Sackett's Harbour and French Creek, two schooners—which had been engaged for the use of this expedition, and on board which three or four pieces of artillery, with ball and barrels of powder, were shipped—lay three or four days, waiting till the steam-boat "United States" came down. On board these vessels also were embarked the greater number of men from the towns or villages in that neighbourhood. The steamer "United States" left Oswego on or about the 10th November, having on board Von Shoultz (who was afterwards in command of the invaders), with a number of his followers, called at Sackett's Harbour, where numbers more came on board, and thence proceeded down the river. It is worthy of remark, that in some of the Oswego papers the departure of a number of strangers was noticed, who, it was said, had been loitering about there some days for no avowed purpose, but who embarked on board the steam-boat "United States" soon after the arrival of an individual who appeared to be their leader. The tone of the article leaves no reasonable ground to doubt that the object of these parties was well understood at the time. The two schooners were taken in tow by the steam-boat some few miles below Millen's Bay on Sunday evening, the 11th November, and during the night a number of the passengers on board the steamer were transferred to the schooners. It further appeared that passage-money was not demanded on board of the steam-boat from these men; they had tickets which freed them, and the sum of one hundred dollars was paid by Daniel George for their passage and the towing the schooners, as was shown by a receipt afterwards taken on his person.

On arriving a few miles above Prescott the schooners were cast loose, and the steamer proceeded to Ogdensburg. The original plan of the party was to land at Prescott in the night, and silently make their way to Fort Wellington, which they expected to surprise, and master without resistance. In this, however, they were foiled, partly by some mismanagement of the vessels. Alpheus Jones, Esq., an active and zealous magistrate, who was also the collector there, went promptly down to the wharf, and hailed them. At this time the two vessels were lashed together, one only having her sails set. After being several times hailed, they answered it was the schooner "Charlotte," from Toronto. By this time several persons had collected in arms round Mr. Jones, and it was obvious to the party on board that there was no further prospect of surprising the place, and they made sail out into the stream. In going out from the wharfs they struck upon an abutment, which was covered with water, with great violence, making a crash sufficiently loud to be heard a long distance. The moment they got out, the vessels parted, and each made sail down the river. Mr. Jones went off directly to Brockville, to give the alarm and obtain assistance.

About half a mile below Prescott the larger of the two schooners grounded on a bar, which still more embarrassed the proceedings of the party. On Monday morning, however, those on board the smaller schooner landed at Windmill Point, about a mile-and-a-half below Prescott; and in the course of that day the men from on board the other vessel were, by the aid of the small steamer "Paul Pry," from Ogdensburg, and of a scow and some smaller boats, put ashore at the same place, with three pieces of artillery, an abundant supply of muskets, bayonets, and rifles, with cartridges and barrels of powder. A number of them also carried pistols and bowie knives. They immediately took possession of a strong stone mill, and some stone houses near it; planted their artillery in front of the mill, and erected a breastwork before the door. The whole number who landed were about two hundred. A much larger number was engaged in the expedition, but remained at Ogdensburg, instead of crossing the river. They were commanded by a Pole, named Von Schoultz; and one Abbey, a printer, of Cassenovia, was second in command. Some of the inhabitants were made prisoners by them, to whom they spoke freely of their



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designs, expressing their confident anticipation that they would be joined by large numbers of the people of the country.

Information had, however, in the mean time reached Kingston of the movements of the parties, indicating an intention to attack the province, and Captain Sandom, R.N., in the steam-boat "Queen Victoria," with a detachment of 30 Royal Marines, under Lieutenant Parker—having also under his command the steam-boat "Cobourg," on board which was embarked a detachment of 40 rank-and-file of the 83rd Regiment, under Lieut. Johnson—left Kingston to cruise along the St. Lawrence, and prevent an enemy crossing. He first sent to Sackett's Harbour, where information was given that the "United States" steamer had gone down the river with 400 of these brigands.

Following immediately, he heard at Gannanoque that Prescott was attacked, or taken, and at once proceeded thither. Early in the morning of the 13th November the troops were disembarked, and Colonel Young, who commanded in the Johnstown District, made immediate arrangements for the attack of the invaders.

In addition to the actual landing at Windmill Point, the "United States" steamer had, on the 12th, twice approached Prescott, filled with men, and apparently to force a landing. Lieut. Fowell, R.N., commanding the little steamer "Experiment," fired on her repeatedly, and drove her back. It is said that some of the brigands seized the "United States" by force at Oswego, and took her out of the hands of the Captain for their own use. However this may be, when the receipt given by the clerk of the boat to Daniel George—the number of the party who embarked at Oswego and other places—the transfer of them in the night to the schooner (an occurrence quite out of the ordinary course of business)—the arms and ammunition provided and on board, and the evident knowledge at Oswego of the objects of this party, are considered, it seems, impossible but that the Captain of the "United States" must have been fully aware of the character of his passengers, and must have been tacitly, at least, favourable to these designs. If it were otherwise, he would not have neglected the opportunity afforded, while in Sackett's Harbour, of communicating with Colonel Worth, who would have found no difficulty in putting a stop to the further progress of the enterprize.

Immediately after the landing of the detachment of the Royal Marines at Prescott, Colonel Young, who had already collected a force of Militia, divided his men into two parties, putting the left wing under the command of Colonel Fraser, and retaining the direction of the right. After a sharp struggle of fifteen or twenty minutes, the brigands—who, probably, influenced by the small number of the assailing force, had advanced to meet them—were driven back to the shelter of the mill and stone houses. The strength of this position, and the want of artillery, rendered unavailing the daring efforts of our men to dislodge the pirates, and, after a close and deadly contest, they were withdrawn, having suffered severely from the enemy's fire, who had the advantage of a secure cover, a position peculiarly favourable, if not essential to the skill of American marksmen.

It was then determined by Colonel Young to make no further attack until the arrival of artillery from Kingston should enable him to force the position. The walls of the mill in particular being so thick that the field-artillery was of no service. In the meantime the Militia, who flocked in from every quarter to repel or destroy the invaders, surrounded the brigands by land, keeping up a close and unremitting watch to prevent their escape, while an equal vigilance prevailed on board the steamer "Experiment" which was cruising up and down the river. Notwithstanding these precautions there was every night some communication to and from the American shore by means of small boats, of which very many of the officers of the invaders availed themselves to make their escape.

It was not until late in the afternoon of the 16th November, that every preparation was completed: Colonel Dundas had come down from Kingston with four companies of the 83rd regiment, with an artillery force and Major M'Bean, and shortly before dusk a fire was opened as well from the steam-boats under Captain Sandom as by land, on the mill and stone houses. The party in the mill held out a flag of truce, and Captain Sandom who had landed, sent Lieutenant Leary to answer it, and about eight in the evening the brigands in the mill, to the number of about sixty or seventy, surrendered unconditionally. Those who were in the stone houses, notwithstanding the white flag had been hung out from the mill, still kept up a dropping fire by which one man of the 83rd regiment was killed, and Captain Sandom had a narrow escape from a ball which struck him on the chest, and passed through his clothes without doing further injury. After the surrender of the men in the mill, those in the houses, among whom was Von Schoultz, attempted to escape under cover of the darkness, and conceal themselves among the bushes. The militia made the most rigid search, and succeeded in capturing nearly every one of them.

The total loss of the British troops and militia in these affairs amounted (including those who subsequently died of their wounds) to nearly twenty killed, and sixty wounded.

Of the invaders there were as nearly as can be ascertained, about fifteen killed, and twenty-five or thirty wounded: with regard to the killed, however, it is very probable that many more fell, of whose death no account has been received. The whole number of prisoners taken, amounted to 159, of whom twenty-eight were taken on the 13th, and the residue on the days following.

The great bulk, (more than 100) were captured on the 16th, three pieces of artillery, consisting of two six, and one three-pounder, a great number of stands of small arms, rifles, and some pikes, together with a large quantity of ammunition fell into the hands of our troops and militia. The prisoners were removed to Kingston, and lodged in Fort Henry to await their trial for their infraction of the laws.



The invaders were chiefly American citizens, as the following statement will show. The whole number who landed in the province was, as already stated, 200. Of these there were killed or taken, eighteen British subjects, eleven Europeans not British subjects, leaving a residue of killed, taken, or escaped of Americans, amounting to 171.

It is a matter of infinite satisfaction to know that not a single inhabitant of Upper Canada joined these people after they landed. Whatever may have been held out by Canadian refugees as to the disloyalty of their fellow-countrymen, the result here, as heretofore has shown, that though there may be many who would rejoice at a change of Government, and still more who would indifferently watch the contest, and contentedly join the successful party, the majority of the people are decidedly loyal, and that the danger from internal treason, unsupported by foreign assistance, is not of a formidable character.

The prisoners taken generally concur in representing that the impression of the Americans along the frontier was, that the inhabitants of Upper Canada were ripe for revolt, and wanted only to be furnished with arms to achieve their revolution. Those who freely admit their participation in the invasion, declare that they expected to be joined by the inhabitants, *en masse*; some say that they were told that the attack of Quebec and Montreal would be simultaneous with their own on Prescott; that in three weeks the whole matter would be over: that they should receive twenty dollars bounty;—ten dollars a month while on service, and 160 acres of land when the new Government was established; that there would be no fighting or bloodshed, and that they were discharging a duty in assisting to give the oppressed Canadians their liberty; and while they complain of being deluded and deceived by the leading men of the party, it is obvious that it was with respect to the means and prospects of success that the deception was practised, not the object and design of the association; and few, very few among them seem to have looked upon the enterprise as in any degree criminal in its character, or to have reflected in the slightest degree on the misery and suffering it must inevitably have occasioned.

A very considerable number of the prisoners, however, deny that they were connected with the party, and assert that they were mere passengers down the river on their own affairs, that they were forced out of the steam-boat into the schooners, and confined in the hold, and landed against their wills, and in despite of their resistance at the windmill. Some go on to say that they took arms by compulsion, but would not use them, or only fired one harmless shot; others that they refused to take arms at all; some that they remained all the time concealed in cellars or out-of-the-way places, and others that they were kept confined the whole time from the landing to the surrender. It is probably too much to say that there was not an individual case of this description, but it is self-evident that, generally speaking it is impossible that these statements can be true. The testimony of those of their associates who were permitted to turn Queen's evidence of the officers and men who took part in the attack, of the inhabitants of the neighbourhood who were taken by them, and of the long list killed and wounded, unite to prove the contrary, and of the latter it may be sufficient to notice this fact, that in the short action of the 13th, out of the detachment of thirty Royal Marines, eighteen, together with their officer, were wounded.

It is painful to be compelled to allude to a circumstance so revolting to humanity as the mutilation of the body of Lieutenant Johnson. It is necessary, however, to advert to it to show thoroughly of what atrocities some of these men were capable—and a similar outrage inflicted on the body of Mr. Hume at Windsor, by the brigands there, gives strength to the truth of the charge. Some of the prisoners asserted that the hogs had got at the body and had done the injury, but the testimony of the surgeon of the 83rd regiment is positive, that the mutilation was performed by some sharp instrument. Acts of this description form a striking contrast to the philanthropic professions of these liberty extending Americans, and at the same time afford a just criterion to decide upon the real character of their "*sympathizing*" efforts for the welfare of the Canadians.

The trial and prompt punishment of many of these offenders have, by exciting the fear of those in the United States who have relations among the prisoners, extorted a very different expression of opinion from what prevailed before. Some public meetings have been held, at which resolutions declaring their determination to maintain the obligations of treaties, and to oppose all further attempts for the invasion of Upper Canada, have been passed. It is, however, worthy of remark, that in several instances they speak of their observation of *neutrality*, as if there were two belligerent parties in Upper Canada, instead of our only danger proceeding from the hostile incursions of their own citizens. Let these resolutions be contrasted with the tone pervading the American frontier press, while these expeditions were in progress, with the public notoriety of the proceedings of the conspirators with the evidence of Mr. Brown, a Judge of one of the Courts of Common Pleas, in the state of New York, given on the trial of Kimball—with the wide extent of the ramifications of this plot—with the manner in which some of the highest public functionaries have referred to these proceedings, and the studied and most suspicious silence of others on the same subject, let it be remembered that as soon as the hope of the present success in these unhallowed efforts was blasted, hints and suggestions, in the shape of fabricated reports, were put forth, indicating individual assassination, and the destruction of private property, as the course to be followed by the "Patriots;" and some idea may be formed of the bitter and unrelenting hostility which prevails throughout so large a portion of the American states, against every thing British in this province. And it is not the least mortifying reflection, that many towns to the rise and prosperity of which British capital has, it is understood, mainly contributed, have

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been among the most favourable to the dismemberment of the British empire. Something, however, is gained by this changed expression of public opinion, since it has proved that the fear of the execution or other punishment of their relations and friends, has infinitely more effect upon them than the mild forbearance of the government on former occasions, which they seem to have been utterly unable to appreciate or understand, and this may further help to point out the true mode of obtaining, at their hands, redress for past injuries, and security from future aggression.

The hitherto successful resistance to these incursions will avail little for our future security unless followed by a vigorous and decisive course on the part of the Home Government. Had the military defence of the province been secured by the erection of fortifications long since recommenced, much of the past evil would have been avoided, and recent events have only confirmed the opinions heretofore expressed of their necessity. The injury already inflicted on the province is immense. Public credit is shaken, and public improvements consequently must languish, while private enterprize is in danger of being utterly stagnated. Neither capital nor emigration can flow into a country threatened with successive lawless invasion, against which no effectual security seems to be provided; and under such circumstances it seems an inevitable consequence that the most enduring loyalty will be worn out, and that men will be driven to submit to, if not to desire, almost any change which may bring with it a reasonable hope of peace and tranquillity. If at the present crisis the Government of Great Britain afford the needful protection and assistance, they will rivet the link which unites these provinces to the mother-country, and establish a firm bulwark against the encroachments of our republican neighbours: if this opportunity be neglected or lost, a few years must inevitably deprive Great Britain of all her possessions in North America.

(Signed) Wm. H. DRAPER,

Toronto, 21st January, 1839.

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Enclosure 4 in No. 4. ALPHABETICAL LIST of PRISONERS taken at or near WINDMILL POINT, below PRESCOTT, in the District of JOHNSTOWN, charged with the hostile invasion of this Province on the 12th November, 1838, with an Abstract of their Cases, and the Decisions thereon.

No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
1	AUSTIN, SAMUEL, native of Jefferson County, State of New York, labourer, age 17 years; declares he landed against his will and refused to take arms, is not a Hunter. A Methodist was taken prisoner on Tuesday, 13th November.	Captain Sprague.	Convicted and sentenced to death.
2	ANDERSON, DUNCAN, native of Livingstone County, State of New York, labourer, aged 48; joined Captain Kimball's company; walked from Brownville and embarked at Millen's Bay; was on guard at the mill on Tuesday 13th November, in arms; says he did not fire, and that before landing he tried to get away. A Prebysterian was taken prisoner on Friday, 16th November.	John B. Kimball of Brownville.	Convicted, sentenced to death, and executed.
3	ALLEN, CHARLES, native of Onondaga County, State of New York, labourer, aged 24 years; says he was hired by one Carlton to get out cedar timber, and on 11th November, was put on board the United States steamer, and carried to Ogdensburgh; and on the morning of the 13th November, was ferried over to the Windmill; was taken prisoner on the night of the 14th; professed entire ignorance of the expedition.	Carlton of Oswego.	Convicted, sentenced to death, and recommended to mercy.
4	ALLEN, DAVID, native of the State of Massachussets, labourer, aged 37 years; says he embarked at Oswego on the 10th November, 1838, to go to Ogdensburgh on his own business, and was put on board a schooner in the river St. Lawrence against his will; that he was landed at Windmill Point; was asked to take arms, but refused; is of the Baptist Church; was taken prisoner on Friday the 16th November.	• •	Convicted and sentenced to death.

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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
5	ABBEY DOREPHUS, native of the State of Connecticut, Printer, aged 47 years; became a sworn Patriot in the summer of 1838, at Watertown; embarked on board the steam-boat "United States," at Oswego, on the 11th November, 1838; was second in command under Von Schoultz in this expedition; knew that Von Schoultz had been previously engaged collecting his countrymen for this expedition; had been a Colonel in the militia; was taken prisoner on Friday the 16th November; of no religion.	Daniel Fields, John B. Kimball of Brownville.	Convicted, sentenced to death, and executed.
6	BERENDS, ERNEST, native of Cracow, Poland, aged 41 years; stated that he had been a lieutenant in the Polish army; was on his way to Canada to procure work; that he casually fell in with Von Schoultz at Salina, and accompanied him to Oswego, and thence to Windmill Point, in utter ignorance of the expedition or its object, and did not take arms; was taken prisoner on the 13th November. From the statement of other prisoners there is no doubt this prisoner engaged with Von Schoultz at New York, and was brought by him thence for this expedition.	. .	Convicted, sentenced to death, and recommended to mercy.
7	BARLOW, HIRAM, W., native of St. Lawrence County, State of New York, labourer, aged 19 years; sworn in a Hunter at Rosser Village by Captain Wells; embarked at Millen Bay in a schooner; landed on the 12th November at Windmill Point; took part in the action on the 13th November; of no church; never was baptized; was taken prisoner on the 16th November.	Poleman of Morristown; Wells, Saml., Ellenwood, Farmer, near Edwardsville.	Convicted and sentenced to death.
8	BUGBEE, CHAUNCEY, native of Jefferson County, State of New York, farmer, aged 22 years; sworn in a hunter at Millen's house on the 11th November; went on board a schooner at Millen's Bay, and says he could not get on shore again though he wished; was aware of the objects of the party; landed at Windmill Point; fought with the others on the 13th, and was taken prisoner on the 16th November; of no religion.	Millem, of Millem Bay.	Convicted and sentenced to death.
9	BERRY JOHN, native of Columbia County, State of New York, labourer, aged 40 years; was engaged by Captain Benedick at 16 dollars a month to assist in fortifying an island between Ogdensburg and Morristown as winter quarters for the Patriots preparatory to their attacking Canada; went on board a steam-boat at Oswego; says he wished to land at Sackett's Harbour, when he found out they were going to make an immediate attack, but could not; landed at Windmill Point on the 12th; took part in the action on the 13th, and was taken prisoner on the 16th November; a Presbyterian.	Benedict of Oswego.	Convicted and sentenced to death.
10	BAKER THOMAS, native of the town of Minden, State of New York, labourer, aged 47 years; sworn in a Hunter at Oswego about the 4th November last; was told, he says, the object was to change the Government of Canada; that there would be no fighting; landed at Windmill Point on the 12th; took part in the action on the 13th, and was taken prisoner on the 16th November; a Methodist; lived in Canada before the last war.	. .	Convicted and sentenced to death.
11	BULKLEY, CHRISTOPHER, native of Salina, State of New York, Salt Manufacturer, aged 25 years; sworn in as a Hunter, at Salina, in October 1838, by Erasmus Stone. It was stated at the meeting that governors Kent and Mason were in favour of the invasion of Canada; crossed from Ogdensburg to the Windmill on Monday the 12th November; from what he heard after landing, he desired to abandon the scheme, but Abbey Leach ( <i>alias</i> Lyman L. Lewis) opposed him; appeared fully aware of the objects of the party; was made prisoner on the 16th November; a book was found in the woods after the defeat and capture of the Brigands, which tended strongly to show that the prisoner had been active in raising men in the United States.	Erasmus Stone, Postmaster at Salina; Judge Grant; J. G. Parker, Tavern Keeper of Oswego; Bagley, of Watertown; Prendergast, Bronson, of Oswego; J. Birge.	Convicted, sentenced to death, and executed.



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No.	Name and particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the prisoner as advising or taking part.	Decision, &c.
12	BROWN, CHARLES S., native of Oswego County, State of New York, labourer, aged 20 years; says he knew nothing of the expedition, but was travelling from Oswego to Ogdensburg in the steamer "United States," and was put on board a schooner, and landed at Windmill Point on the 12th November; taken prisoner on the 16th; is of no church; thinks he never was baptized.	. .	Convicted and sentenced to death.
13	BENNET, ROUSE, native of Herchmer County, State of New York, Carpenter, aged 17 years; sworn in a Hunter by Bagley, of Watertown; embarked at Millen Bay; received arms on board the schooner; fought with the others and was taken prisoner on the 16th November; says, there were 200 people at the meeting at Watertown, at Philing's tavern.	Bagley, of Watertown; — Aldridge; J. Birge.	Convicted and sentenced to death.
14	BROWN, GEORGE T., native of Jefferson County, State of New York, Blacksmith, aged 22 years; says that one Wells promised to get work for him, and that at Wells's request he went on board a schooner at Millen's Bay; he there learnt the object of the party; he was landed at Windmill Point, and was taken prisoner just after the action on the 13th November; he denied any connexion with the party; of no church; never was baptized.	. .	Convicted and sentenced to death.
15	BLODGIT, ORLAN, native of Jefferson County, State of New York, Carpenter, aged 23 years; sworn a Patriot or Hunter, about the 1st November, 1838, at the Great Bend, Black River, by Mr. Granis, the chairman; took arms on board a schooner in Millen's Bay on the 11th November; landed at Windmill Point on the 12th, and took part in the action of the 13th; was taken prisoner on the 16th; when he was sworn in he was promised ten dollars a month, eighty dollars bounty, and 160 acres of land; is of no religion.	Mr. Granis, Great Bend, Black River.	Convicted and sentenced to death.
16	BLONDEAU, GEORGE, native of Lower Canada, labourer, aged 19 years; says he was employed by some strangers to ferry them from Ogdensburg across the river; that they went on board a schooner, and landed at the Windmill Point on the 12th November, against his will; was forced to take a gun; that he tried to get away; was taken on the 16th.	. .	Convicted and sentenced to death.
17	BRADLEY, JOHN, native of County of Antrim, Ireland, Hatter, aged 30 years; says he was standing on the wharf at Ogdensburg on the 12th November, and was seized by three men; forced into a skiff and taken across the river to Windmill Point; he was taken prisoner on the 16th; is a Roman Catholic; says he was all the time hid in a cellar.	. .	Convicted and sentenced to death.
18	BREWSTER, JOHN A., native of Rutland County, State of New York, Wheelwright, aged 19 years; was taken prisoner at the Windmill, with the party, on the 16th November; he says he was coming to Upper Canada to see his father, and embarked on board the steam-boat "United States" at Sackett's Harbour; was put on board a schooner, and landed at Windmill Point; on the 13th was placed on guard at the Mill; new nothing of the party or their designs; tried to escape from them to Ogdensburg.	. .	Convicted, sentenced to death, and strongly recommended to mercy.
19	CURTIS LYSANDER, native of the State of Vermont, Shoemaker, aged 33 years; was wounded in the action on the 13th November, and taken prisoner on the 16th.	. .	Convicted and sentenced to death.
20	CROSSMAN CHARLES, native of Jefferson County, State of New York; Waggon Maker, aged 19 years; was sworn a Hunter at Pamela in September; was (he says) prevailed on by Abbey, Sigourney, and Clark to come to Canada; landed at Windmill Point on the 12th November; was taken prisoner at the Mill on the 16th; says he did not fight, and tried to escape; a Baptist.	Mr. Sigourney, and Lyna Clark, at Sack- ett's Harbour.	Convicted and sentenced to death.
21	CONROD, PHILIP, native of Germany, aged 22 years, labourer; has been 18 months in the United States; says he was hired for the winter by a stranger, taken to Oswego, and landed	. .	Convicted, sentenced to death, and re-

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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
	on the 12th of November at Windmill Point; was taken prisoner on the 16th; denies any knowledge of the designs of the party.		commended to mercy.
22	COLLINS, ROBERT G., native of the State of New York, shoemaker, aged 21 years; crossed from Ogdensburg on the evening of the 12th November, took arms the following day, and was taken prisoner on the 16th.	. .	Convicted and sentenced to death.
23	CERVANTER, PASCHALL, native of Windham County, State of Vermont, labourer, aged 20 years; about the 1st of October was induced to become a "Hunter;" on the 11th of November took passage in the steamer United States for Ogdensburg; had no particular business; was put on board a schooner, and landed on the 12th at Windmill Point; was taken prisoner on the 16th; says he did not fight; of no religion; never was baptized.	Clark, of Rutland.	Convicted and sentenced to death.
24	CLARK ELI, native of Oswego County, State of New York, labourer, aged 60 years; embarked at Oswego on the 11th of November on board the steamer United States, as he says, for Kingston; went on board a schooner, and landed at Windmill Point on the 12th; was taken prisoner on the 16th with the others; has been an officer in the United States militia artillery 16 years; says he did not fire; his brother is said to be a senator of the State of New York; a Presbyterian; owns a farm.	. .	Convicted and sentenced to death.
25	CLARK, CULVER S., native of Franklin County, State of New York, labourer, aged 18; left Watertown and went to Sackett's Harbour; went on board the steam-boat <i>from curiosity</i> , and was carried down the river; landed at Windmill Point on Monday, November 12th; fought and surrendered with the rest on the 16th; belongs to no church; never baptized.	. .	Convicted and sentenced to death.
26	CRONKHITE, JOHN, native of Oswego County, State of New York, blacksmith, aged 30 years; came to Millen's Bay on Sunday, the 11th of November, went on board a schooner there, and was not (he says) allowed on shore till landed at Windmill Point on the 12th; surrendered with the others on the 16th.	—Prendergast or Prendergrass.	Convicted and sentenced to death.
27	CRONKER, PETER, native of Jefferson County, State of New York, labourer; embarked at French Creek in a schooner and landed at Windmill Point on the 12th of November; took part in the action of the 13th, and surrendered on the 16th; of no particular church; not baptized.	. .	Convicted and sentenced to death.
28	CUMMINGS, JAMES, native of Upper Canada, yeoman, aged 38 years. It was proved that he was subject to fits and temporary derangement.	. .	Acquitted.
29	CALHOUN, HUGH, native of Ireland, labourer, aged 25 years; says he was at the village of Geddes, and was engaged by a person unknown to come to Canada to work at 12 dollars a month; was sent to Oswego and his passage paid, and was told to take the steam-boat, which would carry him where he was wanted; landed at Windmill Point on the 12th of November, and surrendered on the 16th; got a ticket from his employer which procured his passage, meals, &c.; does not know his employer's name; a member of the Church of England.	. .	Convicted and sentenced to death.
30	DELINO LEONARD, native of Jefferson County, State of New York, blacksmith, aged 25 years; owns a small farm; was sworn in about the 1st Oct. at Dexter; embarked in a schooner in Millen's Bay on the 11th November; landed at Windmill Point on the 12th; sent his rifle from his home before him; took part in the action on the 13th, and surrendered on the 16th; a member of the episcopal church.	John B. Kimball; Bagley, of Watertown	Convicted and sentenced to death.



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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
31	DRUMMOND, JOSEPH, native of Oswego County, State of New York, labourer, aged 21 years; embarked at Oswego in the steamer United States, and on the 12th November, 1838, was landed from a schooner at Windmill Point; says he did not take arms, but remained in and about the houses till he was taken prisoner on the 16th; a Presbyterian.	Saml. Davis, Salina.	Convicted and sentenced to death
32	DENIO, WILLIAM, native of Lerayville, State of New York, labourer, aged 18 years; joined the party at Sackett's Harbour on the 11th November, and landed next day at Windmill Point; surrendered on the 16th with the rest; says he did not fire.	J. Bire.	Convicted and sentenced to death.
33	DARBY LUTHER, native of the State of Massachusetts, aged 48 years; was persuaded at Watertown to join; embarked on the 11th November in a schooner at Millen's Bay; landed at Windmill Point on the 12th; took part in the action on the 13th, and surrendered on the 16th; knew the designs of the party; expected to be paid; no religion.	D. Fields, a tavern-keeper near Sackett's Harbour.	Convicted and sentenced to death.
34	DRESSER, AARON, jun., native of Jefferson County, State of New York, aged 22 years; embarked at Sackett's Harbour on the 11th November, and landed the next day at Windmill Point; was taken while crossing the river after the action on the 13th, with four others, by Lieut. Leary, R.N.; denies that he was an officer, but a paper in cypher was taken at the same time, which, being deciphered, turned out to be a commission to him as second lieutenant; a baptist.	Arch. Fisher, a tavern-keeper at Alexandria; Squire Jenkins of Pamela.	Convicted and sentenced to death.
35	DEFFIELD, DAVID, native of Upper Canada, aged 22 years, labourer; embarked at Oswego on the 11th November; landed next day at Windmill Point; and on the 13th, after the action commenced, surrendered himself; of no religion; denies any knowledge of the enterprise till after he embarked, and could not then get away, he says.	Coffin, of Oswego.	Convicted and sentenced to death.
36	DODGE, JOSEPH, native of Montgomery County, State of New York, labourer, aged 30 years; was taken prisoner on the 16th, near Prescott; according to his own statement he crossed from Ogdensburg, to see a friend living 13 miles from Prescott, and landed between Prescott and the Windmill on the night of the 14th November: lay that night in a barn; next morning hid for some time under a bridge, and then in a clump of bushes, and lay in the woods on the night of the 15th; does not know who he crossed with; of no particular church.	. .	Convicted, sentenced to death, and recommended to mercy.
37	DUTCHER, MOSES A., native of Montgomery County, State of New York, carpenter, aged 23 years; was taken prisoner on the 16th of November, back of Prescott; says he came from Dexter to Ogdensburg on the 13th November, crossed the river, and landed about a mile from Windmill Point; was ferried over by a stranger; spent the 14th and 15th going about through the woods, endeavouring to find his way to his uncle in Camden; a methodist.	. .	Convicted and sentenced to death.
38	ELMORE, JOHN, native of Jefferson County, State of New York, tinsmith; aged 18 years; sworn in a Hunter last spring at a meeting on Evans' Mills; came to Ogdensburg on 12th November, 1838; crossed to Windmill Point; was taken prisoner with the others on the 16th; says he did not fight; is of no particular church; never christened.	. ,	Convicted and sentenced to death.
39	FELLOWES ELON, native of the State of New York, cooper, aged 23 years; sworn in a Hunter about 1st October, 1838, at Dexter; embarked at Millen's Bay on board a schooner on the 11th November; landed at Ogdensburg and crossed to the Windmill; on the 12th took arms, and surrendered with the others.	Stirling, of Brownville.	Convicted and sentenced to death.
40	FRAER, MICHAEL, native of the State of New York, aged 23 years, cooper; landed from the schooner at Windmill Point on the 12th November; was taken prisoner on the 16th;	. .	Convicted and sentenced to death.

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No.	Name and Particulars of Cases, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
	says he did belong to the party, but was not sworn; showed humane attention to Mr. Fraser, who was wounded and fell into the hands of the brigands.		
41	GARISON, EMANUEL J., native of the State of Vermont, blacksmith, aged 26 years; sworn in a Hunter about the 1st October, 1838, at Dexter; embarked on board a schooner at Sackett's Harbour, by order of his Captain; landed at Windmill Point on the 12th November; fought; surrendered with the others on the 16th.	John B. Kimball.	Convicted and sentenced to death.
42	GOULD, DAVID, native of the State of New York, labourer, aged 24 years; was persuaded to go on board one of the schooners at Millen's Bay, and was prevented from going back, he says; landed at Windmill Point, and was taken prisoner on the 16th with the others; denies making use of any arms; an episcopal methodist.	Ward, a stage driver.	Convicted and sentenced to death — recommended to mercy.
43	GAYNION, FRANCIS, native of Lower Canada, labourer, aged 18 years; was taken prisoner endeavouring to escape from the party on the 15th November; he says he was taken across the river from Ogdensburg while in a state of intoxication on the 12th November, and ran off from the Windmill as soon as he could find an opportunity; the party who made him drunk and took him across, were all strangers to him.	. .	Convicted and sentenced to death — recommended to mercy.
44	GRIGGS, JERRY E., native of Connecticut, labourer, aged 22 years; landed at the mill on the 12th November, and was taken prisoner on the 15th several miles from Prescott; he says he was in Oswego on the 11th November, and took passage in the United States steam-boat for Sackett's Harbour; <i>was not asked for passage money</i> ; in the night was forced on board a schooner, and landed on the 12th at Windmill Point, and ran away from them next morning; a methodist.	. .	Convicted and sentenced to death.
45	GRIGGS, NELSON T., native of Onondaga County, State of New York, labourer, aged 28 years; was at Oswego on the 10th November, 1838; embarked in the steamer United States, and landed at Windmill Point on the 12th; says he was induced to come to assist the patriots in Canada by false representations.	Jas. Bulkley, of Salina.	Convicted and sentenced to death.
46	GATES, WILLIAM, native of the State of New York, labourer, aged 23 years; was taken prisoner on the 13th November, 1838; crossing in a boat from Windmill Point towards the American shore by Lt. Leary, R.N.; was sworn in a Patriot at Cape Vincent; took part in the action on the 13th before leaving.	Prendergast.	Convicted and sentenced to death.
47	GOODRICK, CORNELIUS, native of Salina, State of New York, labourer, aged 16 years; says he was hired by Mr. Coffin to take care of his trunks; left Oswego on the 11th November, and went in a steam-boat to Ogdensburg; and crossed on the evening of the 12th to look for Coffin; was taken prisoner near the mill on the 13th; of no church; thinks he never was baptized.	Coffin, of Liverpool, or Salina.	Convicted and sentenced to seven years in the Penitentiary.
48	GOODRICH, GIDEON, native of the State of Massachusetts, labourer, aged 43 years; father to the foregoing; joined the Hunters' Society at Liverpool; landed at Windmill Point on the 12th November, 1838; surrendered with the others on the 16th; of no church.	Nathan Coffin.	Convicted and sentenced to death.
49	GILMAN, JOHN, native of Oneida County, State of New York, labourer, aged 38 years; sworn in a Hunter at Brownville on the 31st October, 1838; embarked at Millen's Bay on the 11th November, and landed at Windmill Point on the 12th; was taken prisoner on the 16th; says he volunteered freely; understood there would be no fighting; expected he was rendering a service to mankind in assisting the people of Canada to obtain a free Government; never joined any church; never was baptized.	J. B. Kimball.	Convicted and sentenced to death.



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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
50	GEORGE, DANIEL, native of the United States, teacher, aged 28 years; acted as paymaster in receiving and disbursing monies for transport, provisions, &c.; was taken prisoner after the action on the 13th November in a small boat, crossing from Windmill Point to the American shore, by Lieut. Leary, R. N.	. .	Convicted, sentenced to death, and executed.
51	HICKS, GARRET, native of Jefferson County, State of New York, farmer, aged 27 years; was at the Windmill on the 13th in arms, and was taken prisoner on the 15th or 16th; he denies ever having any knowledge of the party, or their designs, or having been at the mill; says he was going to South Crosby, where he has a piece of land with a crop in it. This man is mentioned by Lyman L. Lewis, alias Leach, as one with whom he had business in coming to this province; belongs to no church.	. .	Convicted and sentenced to death.
52	HOWTH, DAVID, native of Montgomery County, State of New York, labourer, aged 24 years; embarked at Millen's Bay on the 11th, landed at the Windmill on the 12th, and was taken prisoner on the 16th November, 1838; he says he was hired by some stranger to chop, at no particular wages; this took place at Gravelly Point; and he went as directed to Millen's Bay, where this same person sent him on board the schooner; and that he knew nothing of the party; was never baptized, and is of no religion.	. .	Convicted and sentenced to death.
53	HUSTRIS, DANIEL D., native of Cheshire county, State of New Hampshire, grocer, aged 27 years, sworn in a Hunter at Watertown, about the 1st October, 1838; embarked on the 11th November, 1838, on board the United States steamer; went on board a schooner in the night, and was landed at Windmill Point, on the 12th; surrendered with the others on the 16th; says he did not take arms; of no church; was stated to have worn a sword at the mill, as an officer.	. .	Convicted and sentenced to death.
54	HOLMES, EDMOND, native of Clinton county, State of New York, labourer, aged 29 years; was taken prisoner with the others who came out of the Windmill on the 16th November, 1838; says he resided in Syracuse, and was hired to cook for 30 or 40 men; was told to go to Ogdensburg for that purpose; went there, leaving Oswego on the 11th Nov., and crossed to the Windmill on Wednesday night, the 14th, and could not get back again; of no particular church or religion.	Stone, of Salina. — Aldrige, of Salina.	Convicted and sentenced to death.
55	HOREY, CHARLES, native of France, labourer, aged 22 years; was taken prisoner at the Windmill, on the 16th November; was proved to have been doing as the rest were; he declares he was taken there against his will, and that though arms were put into his hands, he never used them.	. .	Convicted, — sentenced to death, and recommended to mercy.
56	HALL, HIRAM, native of Jefferson county, State of New York, aged 15 or 16 years; was taken prisoner near Prescott on the evening of the 16th November; states that he crossed over from Ogdensburg on Thursday morning the 15th; landed at Prescott; entirely ignorant of any difficulty, except that the boy who ferried him over said there had been a battle on the Tuesday before; of no church; never baptized.	. .	Convicted, and sentenced to the Penitentiary for seven years.
57	JONES, JOHN, M., native of the State of New Jersey, hatter; aged 37 years; went on board a schooner at Miller's Bay, and was landed at Windmill Point; took part in the action on the 13th November, 1838; ran away that night from the party, and was taken prisoner the following morning; he says he had no intention of joining, and was forced to take arms; no religion.	. .	Convicted, and sentenced to death.
58	JANTZER, HENRY, native of Germany, aged 29 years; was asked by Von Schoultz, in New York, about the 22nd October, to come to Canada; on the 1st November left New York with three Germans; Von Schoultz came to	. .	Convicted — sentenced to death — and recommended to mercy.

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	Salina with O'Koinski and another Pole; they all came together to Oswego; Von Schoultz paid the expenses; on the 11th November embarked, and on the 12th landed at Windmill Point, and was taken prisoner on the 16th; denies taking arms.		
59	INGLIS, JAMES, native of Paisley, Scotland, weaver, aged 30 years; landed at the Windmill on the 12th November, and was taken on the 16th, some distance in the country; says he took a gun, but did not fight.	Truman, Lord of Brownville.	Convicted and sentenced to death.
60	KINNEY, HIRAM, native of Onondaga county, State of New York, labourer, aged 20 years; landed at Windmill Point on the 12th November; was taken prisoner on the 16th; declared he was landed against his will, and was prevented by Abbey from going to Ogdensburg as he intended; of no church.	. .	Convicted — sentenced to death,— and recommended to mercy.
61	KIMBALT, GEO. H., native of the State of Vermont, aged 19 years; landed at the windmill on the 12th, and was wounded during the action on the 13th November; is a brother of John R. Kimbalt, one of their officers who escaped.	. .	Convicted and sentenced to death.
62	LEWIS, LYMAN L., (alias) LEACH, native of West Chester county, State New York, dealer, aged 28 years; was proved to have been at the mill on the 12th November, and to have passed by the name of Leach; is believed to have aided in the destruction of the Sir Robert Peel; was taken prisoner near Prescott, in the evening of the 16th Nov.; he denies belonging to the party, or ever having been at the mill, or that he was ever known by any name but that of Lewis; on one occasion he said his business in Canada was to look at a lot of land, which he proposed to buy from Garret Hicks also a prisoner.	. .	Convicted and sentenced to death.
63	LEFORTE, JOSEPH, native of Lower Canada, aged 29 years; crossed to the windmill on the 13th; was taken prisoner between the mill and Prescott, and sent to Kingston on the 16th; says he was employed by three strangers to ferry them over; that they landed below Prescott, a little above the mill, and went off; that he walked up the bank to look round, and when he returned his boat was gone, and he could not get away.	. .	Convicted and sentenced to death.
64	LAWTON, SILVESTER, a native of the State of New York, farmer, aged 23 years, was sworn in a Hunter at Shemo; landed at Windmill Point on the 12th November, and was taken prisoner on the 16th; was aware of the designs of the party, but says he was told the people of Canada would join.	Philip P. Gage — Bagley, of Watertown. J. Berge.	Convicted, sentenced to death, and executed.
65	LEE, JOSEPH, native of Oswego county, State of New York, joiner, aged 21 years; landed at the Windmill Point on the 12th, and remaining there till taken prisoner on the 16th November; was sworn a Hunter at Palermo; understood the object of the party, but says he was forced by Abbey and Von Schoultz to land; denies taking arms; no religion.	. .	Convicted and sentenced to death.
66	LEEPER, ANDREW, native of Harrison county, State Kentucky, labourer, aged 42; became a Hunter on the 9th November, 1838; on the 11th embarked at Millen's Bay; landed at Windmill Point on the 12th; took part in the fighting, and was promised 80 dollars bounty and 10 dollars a month while on service; he had worked in Canada, boating for two seasons; was brought up a member of the Church of England.	Prendergast.	
67	LISKUM, DANIEL, native of the State of New York, aged 22 years; landed at Windmill Point on the 12th November, 1838; was taken prisoner on the 13th, below Prescott, having ran away from the party; says he was promised eighty dollars the moment he landed, and 160 acres of land after the conquest of the country; a Methodist.	Prendergast.	Convicted and sentenced to death.

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68	LAWTON, OLIVER, native of Albany, State of New York, waggon maker; had his passage from Sackett's Harbour to Ogdensburgh paid by a stranger; landed on the 12th Nov. at Windmill Point; surrendered with the others on the 16th; says he did not take arms; was brought up a Presbyterian.	— Thompson, said to be from Town, to William Johnson.	Convicted and sentenced to death.
69	LOOP, HIRAM, native of Oswego County, State of New York, labourer, aged 26 years; landed at Windmill Point on the 12th November, and was taken prisoner during the action on the 13th; says he was forced to take arms and go out, and that he surrendered without firing a shot; no religion.	Coffin.	Convicted and sentenced to death.
70	MATHERS, CALVIN, native of Onondaga County, State of New York, labourer, aged 24 years; landed at the Windmill on the 12th November; was taken prisoner the day after the general surrender of the brigands; says he was brought among them against his will, and left them before the battle on Tuesday, and was occupied trying to get across the river till he was taken; of no church.	. .	Convicted and sentenced to death.
71	MILLER, PHARES, native of Jefferson County, State of New York, waggon maker, aged 18 years; sworn in a Hunter, at Watertown, about the 1st November, 1838; landed at Windmill Point on the 12th November; took part in the action on the 13th, and was taken prisoner on the 16th; was promised 80 dollars bounty and 160 acres of land, as a reward for his services; no religion.	. .	Convicted and sentenced to death.
72	MARTIN, FOSTER, native of Onondaga County, State of New York, labourer, aged 32 years; was proved to have been assisting working the artillery at the Windmill on the 13th November; was taken that day; says he was going from Watertown to collect about 6 dollars from a man who lives in rear of Brockville, and wished to take his passage on board the United States steamer, but hearing of schooners in Millen's Bay going down the river, he went there and embarked in one, and was forced to land at the Windmill with the party.	. .	Convicted and sentenced to death.
73	MORE, ANDREW, native of Saratoga County, State of New York, labourer; aged 26 years; landed at Windmill Point on the 12th November, 1838; was severely wounded on the 13th, in the action; and was taken on the 16th; he says he was on board the steam-boat and wished to leave at Millen's Bay, but was not allowed, and also at Ogdensburgh, but was prevented by Abbey, Birge, and others; denies taking arms; a Methodist.	— Field. — Birge.	Convicted and sentenced to death.
74	MEYER, PETER, native of France, aged 21 years; landed at Windmill Point on the 12th November, 1838, and was taken prisoner with the rest on the 16th; says he was boiling salt at Salina, for Mr. Richmond, who sent him with others to Oswego, where he was put on board the United States steam-boat, and carried down the river; denies firing.	Richmond of Salina. " "	Convicted and sentenced to death — recommended to mercy.
75	MARTIN, TEHIEL H., native of Grafton County, State of New Hampshire, mason, aged 31 years; landed at Windmill Point on the 12th November; took part in the action on the 13th, and was taken prisoner with the others on the 16th; he says that he did not understand an immediate invasion of Canada was intended, only that a party were to take possession of an island in the St. Lawrence, and prepare winter quarters in order to be ready to assist the party desirous of making a change in the government of the Canadas, and he was advised to assist them, and he would be paid; is a Presbyterian.	. .	Convicted and sentenced to death.
76	MEYERS, SEBASTIAN, native of Bavaria, aged 21 years; landed at Windmill Point on the 12th November; was wounded in the action of the 13th, and surrendered on the 16th; says he was hired as cook by Mr. Stone of Salina; put on board	Mr. Stone of Salina.	Convicted — sentenced to death — recommended to mercy.

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	the steam boat United States, and transferred to a schooner, from which he landed.		
77	MATHERS, CHAUNCEY, native of Onondaga county, State of New York, aged 24 years; a twin-brother of Calvin Mathers; landed at the Windmill Point on the 12th Nov.; was taken prisoner on the morning of the 13th by the militia; says he was coming down the river in search of a brother, and was forced along with this party, and was escaping from them when taken prisoner.	. .	Convicted and sentenced to death.
78	MIRIAM, JUSTUS, native of the Newcastle district, Upper Canada, shoemaker, aged 17 years; was taken on the 13th November, 1838, coming from the direction of the Windmill, a little below it; says that he had been travelling through part of the States, having worked there, and was on his way to join his father in the Newcastle district; that he arrived about dusk on the river opposite Johnstown, and got on board a skiff, and crossed over below the Windmill, intending to go to Prescott, and was taken a prisoner by the brigands.	. .	Convicted — sentenced to death — and recommended to mercy.
79	MORRISSETTE, JOHN, native of Lower Canada, labourer, aged 22 years; landed at Windmill Point on the 12th November, and was taken prisoner on the 16th with the others; says he was hired in Louisbourg by a Yankee, at 10 dollars a month; was by him put in charge of another person at Millen's Bay, and was put on board a schooner and taken down the river; that he did not know the design of the party.		Convicted and sentenced to death.
80	NORRIS, JOSEPH, native of the State of Vermont, carpenter, aged 35 years; taken prisoner on the 17th November.	. .	Acquitted.
81	O'KOINSKI, JOHN, native of Poland, aged 31 years; came with Von Schoultz from New York to Oswego; came from thence in the steam-boat United States, on the 11th November; went on board a schooner going down the river, and was put ashore at Windmill Point on the 12th; was taken prisoner on the 13th; denies taking arms, or knowing any thing of the expedition. (Vide Berends, E., and Jantzer, H.)	. .	Convicted — sentenced to death — and recommended to mercy.
82	O'NEILL, WILLIAM, native of Jefferson County, State of New York, labourer, aged 38 years; taken prisoner on the 13th November, 1838.	. .	Acquitted.
83	OWEN, ALSON, native of Oswego County, State of New York, labourer, aged 24 years; landed at Windmill Point—having come with David Allen from Ogdensburg, on the 12th November, and surrendered with the others on the 16th; says he knew nothing of the expedition; took arms, because he was threatened, and was on guard at the mill on the 13th during the action. An Episcopal Methodist.	. .	Convicted and sentenced to death.
84	PENNY, ETHEL, native of Jefferson County, State of New York, labourer, aged 18 years; went on board a schooner at Millen's Bay; he says he went to look for his rifle, which somebody had brought from Watertown, and was not allowed to land again; was put ashore at Windmill Point, on the 12th November; took part in the action of the 13th, and was taken prisoner on the 16th.	— Runlet — 30 miles from Millen's Bay.	Convicted and sentenced to death.
85	PECK, LAWTON S., native of Jefferson County, State of New York, labourer, aged 20 years; sworn in a hunter at Brownville, on 1st September, 1838; landed at the Windmill on the 12th November, and was taken prisoner on the 16th; says he did not take arms, and wished to leave the party when he found there was to be fighting; a Baptist.	— Bucklin, a lawyer of Watertown.	Convicted, — sentenced to death, — and recommended to mercy.
86	PIERCE, JAMES, native of Onieda County, State of New York, labourer, 22 years of age; landed at Windmill Point on Monday, November 12, and surrendered with the rest on the Friday following. He says he went on board a schooner at	. .	Convicted and sentenced to death.



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	Millen's Bay, having no object; fell asleep in the hold, and was carried off; denies taking arms; never baptized; of no religion.		
87	PEELER, JOEL, native of the State of New York, farmer, aged 50 years; sworn in a Hunter 29th October, 1838, at Lerayville; landed at Windmill Point on the 12th November; took part in the action of the 13th, and surrendered with the others on the 16th; knew the object of the expedition; had a wife and seven children.	Elisha Clark, of Lerayville. Squire Usher, of Phelt's Mills. Brown, a Tavern keeper at Phelt's Mills. Squire Howard of Lockport. Wm. Estis.	Convicted, sentenced to death, executed.
88	POLLY, IRA, native of the State of New York, carpenter, aged 23 years; landed from the schooner at Windmill Point on Monday, 12th November; was in the action on the 13th; ran away, and was taken in a barn about 5 miles from the mill.	. .	Convicted and sentenced to death.
89	PHELPS, RUSSELL, native of Jefferson County, State of New York, tailor, aged 50 years; landed at the Windmill Point on 12th November, and was taken prisoner in one of the stone houses on the 16th. His account is that he was hired by William Estis to go lumbering; no particular wages were mentioned; went on board a schooner at Millen's Bay on the 11th November, to go to Lewiston, for which place Estis said the schooner was bound; but she was towed down the river by the United States steamboat, and landed them all at Windmill Point; says he knew nothing of the party, and did not take arms; of no church; brought up a Presbyterian.	Wm. Estis, of Cape Vincent. Wm. Johnson.	Convicted and sentenced to death, and executed.
90	PUTMAN, LEVI, native of Montgomery County, State of New York, labourer, aged 21 years; landed at Windmill Point on the 12th November; was taken on the 16th a short distance from Prescott; says he was hired by Seldon Wells on the 9th November, for quarrying stone, chopping, &c., at 16 dollars per month, and was told he would not be wanted more than three weeks, and to bring but few clothes; was taken by Wells' brother to Ogdensburg, and thence crossed to Windmill Point; denies taking arms, and says he escaped on Tuesday night; a Presbyterian.	Seldon Wells.	Convicted and sentenced to death.
91	PADDOCK, JACOB, native of Jefferson County, State of New York, labourer, aged 18 years; came from Salina, landed at Windmill Point on 12th November, and was taken prisoner on the 16th; denies taking arms, and says he was pulled on board the steamboat United States, at Oswego, by order of Abbey, and brought against his will.	. .	Convicted and sentenced to death.
92	PRIEST, ASA, native of the state of Massachussets, aged 40 years; landed at the Windmill on the 12th November, and was taken prisoner on the 16th in one of the stone houses; says he came from Auburn to Oswego to get the price of a cow, and finding his debtor had left with the patriots he followed him to Millen's Bay, and found him on board one of the schooners; that he fell asleep on board, and was brought down the river and forced to land; denies fighting.	. .	Convicted and sentenced to death.
93	PUTNAM, JACOB, native of the United States, labourer, aged 19 years; crossed from Ogdensburg on the 13th November with 5 men, all strangers to him; says he saw the party there; that the firing commenced shortly after he landed, and that he immediately ran off into the country; he was taken in company with Jerry C. Greggs, at a tavern about twenty miles back from Prescott, early on the morning of the 15th; of is a Methodist.	. .	Convicted, sentenced to death, and recommended to mercy.

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94	ROSIN, TIMOTHY P., native of Jefferson County, State of New York, blacksmith, aged 21 years; was taken prisoner on the 13th November, crossing the river in a small boat from Windmill Point towards the American shore, in company with Daniel George, by Lieut. Leary, R.N.; says he was a passenger on board the United States, and was brought into the expedition against his will; a Methodist.	Tracey Prindle	Convicted and sentenced to death.
95	Reynolds, William, native of the State of New York, labourer, aged 33 years; landed at Windmill Point on the 12th November, and was taken prisoner on the 18th, 5 miles from Prescott; he says he left the party on Tuesday the 13th, before the action, but gives no account of where he spent the intermediate time; he accuses many leading men of fomenting the invasion, and says that the families of the married men were to be taken care of during the absence their husbands.	Col. Smith. —Parsons, Esq. —Marble, Esq. Dr. Cushman. All of Orleans.	Convicted and sentenced to death.
96	RICHARDSON, ASA H., native of Oswego, 23 years old, a labourer; had land in Upper Canada; landed at the Windmill Point on the 12th November, and was taken prisoner with the others on the 16th; says he was brought against his will, and kept prisoner in the mill till the evening.	. .	Convicted and sentenced to death.
97	REILLY, LAWRENCE, native of Vermont, labourer, aged 43 years; landed on the 12th November, 1838, and surrendered with the rest on the 16th. He says he was hired at Sackett's Harbour by Wm. Estis as a hewer to go to Lewiston, and went on board the steam-boat United States on the 11th November; that the boat took two schooners in tow; that he went on board one and was told by W. Estis they were going to attack Prescott; that he remonstrated with Estis for deceiving him, but could not get away though he desired it; that Johnson superintended the landing, but refused to take him (prisoner) back; denies fighting; brought up a Methodist.	Wm. Estis. Wm. Johnson. — Potter.	Convicted and sentenced to death.
98	REYNOLDS, SOLOMON, native of Washington county, State of New York, labourer, aged 33 years; was taken prisoner at the mill on the 16th November; says he came to Sackett's Harbour with Silas Aldridge and another for company; Aldridge paid the expenses; embarked on the 11th November in the steam-boat United States: was put on board a schooner; volunteered to go in a small boat from one of the schooners to Ogdensburg; took some person to see General Birge; that on Thursday night he came over to take off Aldridge, and was not allowed to come back; of no church.	Silas Aldridge	Convicted and sentenced to death.
99	RICHARDSON, ANDREW, native of St. Lawrence County, State of New York, carpenter, aged 38 years; landed at Windmill Point on Monday November 12th; was taken prisoner on the 13th together with Foster Martin; declares he was crossing the river in a small boat on Monday evening the 12th, when a boat with muffled oars and eight or ten men rowed up; that they made him prisoner and took him to the mill; and that after the action commenced he got away and was taken by the militia.	. .	Convicted, sentenced to death, and recommended to mercy.
100	STEWART, JOSEPH, native of Mifflin County, State of Pennsylvania, clothier, aged 25 years; sworn in a hunter at Syracuse; landed at Windmill Point on the 12th November; was taken about 10 or 11 on Friday night following in the bushes back of the Windmill; says he was going to Ogdensburg to see his brother, and took a passage in the steam-boat United States; in the night was ordered on board a schooner, and from that put on shore; had no intention of invading Canada; denies taking arms; of no church.	Coffin of Liverpool.	Convicted and sentenced to death.
101	SMITH, OWEN W., native of the State of Vermont, farmer; aged 26 years; was sworn in a hunter at Orleans about three months ago; landed at Windmill Point on the 12th November, and surrendered on the 16th; says he was induced to join in the invasion of Canada by false representations, and	. .	Convicted and sentenced to death.



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	that he prevented the effusion of blood as much as possible.		
102	SHEW, HENRY, native of Jefferson County, State of New York, pedlar, aged 23 years, sworn in a patriot in the Quakers' Settlement about 1st November, 1838; embarked at Millen's Bay in a schooner on the 11th; landed at Windmill Point on the 12th, took part in the action on the 13th, and surrendered on the 16th; of no church; never was baptized.	N. Coon, of Philadelphia, Jefferson County. — Wells. — Fields.	Convicted, and sentenced to death.
103	SWETE, SYLVANUS, native of Northampton, State of New York, cooper, aged 18 years; sworn in a patriot in August last at Flat Rock; landed at Windmill Point on the 12th; took part in the action of the 13th; surrendered with the others on the 16th November; says he was told the Canadians and British soldiery would join them; expected, if the Canadians gained their liberty to be remunerated; of no religion.	Dr. Dunton of Flat Rock. Geo. Dudley.	Convicted, sentenced to death, and executed.
104	SWETE, DENNIS, native of Northampton, State of New York, cooper, aged 20 years; brother to the last; sworn a patriot at Flat Rock; embarked at Sackett's Harbour to invade the province on the 11th November; landed next day at the Windmill, and surrendered with the others on the 16th.	Capt. Dudley.	Convicted and sentenced to death.
105	SENER, PRICE, native of Ohio, aged 18, chairmaker; sworn in at Auburn about the middle of October; on the 1st November left Auburn with nine others; twelve or fourteen men followed the same evening; sailed on the forenoon of the 5th November from Oswego in a schooner; lay three or four days in Millen's Bay; sailed down the river on the 11th, and landed at Ogdensburg; on the evening of the 12th crossed to the windmill; acted as cook to the party till they surrendered on the 16th; showed great contrition.	— Stow, sheriff at Auburn. John Richardson of Auburn. — Thompson. — Ward. — Patton, all of Auburn. Wm. Johnson.	Convicted, sentenced to death, and recommended to mercy.
106	SMITH, ANDREW, native of the State of New York, aged 21 years; joined the patriots about the 1st October, 1838, at Orleans; went on board the steam-boat United States, at French Creek, on the 11th November; landed next day at Windmill Point; took part in the action on the 13th, and was taken prisoner on the 16th. Of no religion.	Aldridge, Birge, George Dudley, of Alexandria.	Convicted and sentenced to death.
107	STOCKTON, THOMAS, native of Jefferson county, State of New York, blacksmith, aged 26 years; was taken prisoner between Prescott and the Windmill on the 13th November, in the morning; says he arrived in Prescott on the evening of the 12th November, from Wilson Town, and left Prescott the next morning, on his way to Montreal, looking for work, and was taken by the militia going down. A Methodist. On his trial he said that he had been stopped by the people at the mill, and was forced to take a gun and bayonet. It was positively proved he was in arms among the brigands on Monday the 12th.	. .	Convicted and sentenced to death.
108	SHARP, HIRAM, native of Orondago County, State of New York, labourer, aged 24 years; embarked in the steam-boat United States on the 11th November, and landed next day at Windmill Point; was taken with the others on the 16th November; denies taking arms, or knowing anything of the designs of the party.	Benson, of Oneida.	Convicted and sentenced to death.
109	SNOW, JAMES L., native of the Oswego County, State of New York, labourer, aged 21 years; embarked at Oswego, and landed at Windmill Point on the 12th November; was taken prisoner on the 16th; denies taking arms; of no church.	— Williams.	Convicted and sentenced to death.
110	STEBBINS, WILLIAM, native of Jefferson County, State of New York, aged 18 years; embarked at Millen's Bay, and landed at Windmill Point on the 11th November; was taken with the others on the 16th; says he was compelled to take arms, but did not fire.	Wm. Lord of Brownville.	Convicted and sentenced to death.

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111	SWANBERG, JOHN G., native of the city of Philadelphia, in the State of Pennsylvania, labourer, aged 27 years; was taken prisoner on the 16th, with the others, and brought up to Kingston, and delivered into Fort Henry the following day; he declares he crossed about daylight in the morning of the 16th from the States, but does not know in what part of Canada he landed; says he knew nothing of an invasion of Canada till he was taken prisoner on the morning of the 17th; says he was sent from Prescott to Kingston on the 19th.	. .	Convicted and sentenced to death.
112	SMITH, CHARLES, stated himself to be a native of Jefferson County, State of New York, but was, after his trial, discovered to be an Englishman, aged 21 years; sworn a patriot on September, 1838; embarked pursuant to orders at Millen's Bay, and landed at Windmill Point on the 12th; a commission was found in cipher, to the prisoner, in his pocket-book; was taken, on the 13th November, crossing with four others from Windmill Point to the American shore, by Lieutenant Leary, R.N. George, who was in the boat, advised him to say he was an American.	Wm. Estis of Cape Vincent, Prendergast.	Convicted and sentenced to death.
113	TIBBETT, SAMUEL, native of the State of New York, labourer, aged 19 years; says he was asked by Christopher Bulkley to cross with him from Ogdensburg to Windmill Point to help him to take away some friends; went over on the evening of the 14th, and, as the boat was filled, he agreed to wait till it returned; says he could not get back, and was taken on the 16th, with the rest; denies taking arms; of no church; never was baptized.	. .	Convicted and sentenced to death.
114	TRUAX, NELSON, native of Jefferson County, State of New York, saddler, aged 20 years; was taken prisoner on the morning of the 13th November, 1838, between the Windmill and Prescott; says he knew nothing of the expedition, and had heard no firing till he got across; denied having been with the party; a Presbyterian.	. .	Convicted and sentenced to death.
115	THOMAS, JOHN, native of the town of Madrid, aged 26 years, dealer; joined the patriots at Ogdensburg on the 11th November; crossed over to the Windmill on the 12th; took part in the action of the 13th, and surrendered with the others on the 16th; lived in Canada some years ago.	. .	Convicted and sentenced to death.
116	THOMPSON, JOHN, native of Northumberland, England, carpenter, aged 44 years; was formerly in the 68th Regt.; was at the Windmill on the 12th with the party, and was taken prisoner the next morning early; says he was travelling on board the steam-boat, and was forced to land with them, and ran away from them the first opportunity.	. .	Convicted, sentenced to death, and recommended to mercy.
117	TUCKER, OLIVER, native of the State of Connecticut, labourer, aged 18 years; landed at Windmill Point, on the 12th November; took part in the action of the 13th; surrendered on the 16th; says he was ignorant of their design when he embarked; was hired at Sackett's Harbour.	Hungerford.	Convicted and sentenced to death.
118	TOWNSEND, ABNER, native of Jefferson County, State of New York, labourer, aged 17 years; was sworn in a patriot about the 1st November, 1838; joined the expedition, and landed at Windmill Point on the 12th November, and was taken prisoner with the others; says he did not fight, but hid in a cellar during the action of the 13th November; of no religion.	Cleanthe Granger, — Bagley, of Watertown.	Convicted and sentenced to death.
119	THOMPSON, JOSEPH, a native of Jefferson County, State of New York, labourer, aged 22 years; sworn in a Hunter, in Chemo, about the 1st of October, 1838; landed at Windmill Point on the 12th November; took part in the action of the 13th, and surrendered on the 16th; member of no church.	John Marcy	Convicted and sentenced to death.

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No. 4.  
Sir George Arthur  
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5th February, 1839.  
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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner, as advising or taking part.	Decision, &c.
120	VON SCHOULTZ-NILS SZOLTEVKI, native of Poland, aged 31 years; had been residing at Salina, and was introduced to the Patriots by Mr. Stone, merchant of that place; was in New York in October, 1838, and gave commissions or certificates there to persons joining the "Patriot army" (these words written in cipher), which he signed as "commander;" brought some Poles and Germans as recruits for that service, and paid their expenses; had the command of the invaders at Windmill Point, and after the surrender of a great number of them at the mill, was found concealed in some bushes; a Roman Catholic.	Birge, of Casenovia; Mr. Stone, merchant, of Salina; W. Johnson.	Convicted, sentenced to death, and executed.
121	VAN SLYKE, MARTIN, native of Jefferson County, State of New York, labourer, aged 21 years; taken prisoner on the 13th November.	. .	Acquitted.
122	VANWERMER, CHARLES, native of Jefferson County, State of New York, mason, aged 21 years; was taken prisoner, and brought up to Kingston at the same time as the great majority; states that he crossed in company with Garret Hicks, and was taken prisoner with him ( <i>vide</i> Hicks, G.); belongs to no church; never was baptized.	. .	Convicted and sentenced to death.
123	VAUGHAN, HUNTER C., native of the United States, gentleman; his father is in the American navy; was sworn in at Sackett's Harbour; crossed over to Windmill Point on the 12th November, 1838; was taken prisoner a day or two after the general surrender;—(there is reason to believe he held a commission among the invaders.	— Birge, Prendergast, Sacketts, of Sackett's Harbour.	Convicted and sentenced to death.
124	VAN AMBER, GEORGE, born in Grenadier Island, in the St. Laurence River, aged 17 years; sworn in a Hunter last fall, in Alexandria; embarked in a schooner in Millen's Bay, and landed at Windmill Point on the 12th November; was taken on the Friday following; did belong to the Methodist church.	Amos Duntton, of Alexandria; Prendergast.	Convicted and sentenced to death.
125	WHITE, PATRICK, native of Limerick, Ireland, labourer, aged 22 years; a Roman Catholic; landed at Windmill Point on the 12th November; acted as sentry on the morning of the 13th; was taken that morning below Johnstown; says he was forced among the party, and made his escape as soon he could.	Dudley .	Convicted and sentenced to death.
126	WEBSTER, SIMEON, native of the State of New York, labourer, aged 20 years; on Sunday, the 11th November, embarked on board the steamer, United States; landed the following morning at Windmill Point; was taken prisoner on the 14th; says he ran away from the party before the action on the 13th; is of no church or religion.	Harris Britain, of Green Point.	Convicted and sentenced to death.
127	WOOLCOTT, WILLIAM, native of Montgomery County, State of New York, blacksmith, aged 20 years; landed at Windmill Point on Monday, 12th November; was wounded in the action the following day; denies belonging to the party, or taking arms; belongs to no church.	. .	Convicted and sentenced to death.
128	WINEGAR, JEREMIAH, native of the State of New York, labourer, aged 59 years; was sworn in a Hunter in October last, at Dexter; embarked on board a schooner on the 11th November, at Millen's Bay, and landed next day at Windmill Point; took part in the action on the 13th, and was taken with the rest on the 16th November; says his son was engaged to come with the expedition against Canada, and being lame, the prisoner volunteered to take his place; says he heard ministers of the Gospel encouraging the people to support the Patriot Hunters.	— Sterling, John B. Kimball.	Convicted, sentenced to death, and recommended to mercy.
129	WHITING, NATHAN, native of the State of Connecticut, labourer, aged 48 years; landed at Windmill Point on the 12th November, and was taken on the 14th some miles below; says he was forced to land with the party, and made his escape from them on Monday night; of no church or religion.	W. Johnson	Convicted and sentenced to death.
130	WRIGHT, STEPHEN S., native of Lewis County, State of New York, carpenter, aged years; landed at Windmill Point	. .	Convicted and

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	on the 12th November; was wounded during the action on the 13th; says he was forced into the party by Abbey; denies taking arms, and says he was in a house up stairs, keeping out of the way, when wounded.		sentenced to death.
131	WOODBURY, BEMIS, native of Massachusetts, aged 25 years; landed at Windmill Point on the 12th November; was wounded during the action of the 13th; says he was in a house cooking potatoes, and was wounded through the door; was taken prisoner on the 16th November.	. .	Convicted and sentenced to death.
132	WILSON, EDWARD, native of the town of Pompey, Onondaga County, State of New York, cabinet-maker, aged 23 years; crossed from Ogdensburg, with two others, to Windmill Point on the 12th, about midnight; he says from curiosity, and that the boat was taken away; had a musket in the mill on the 13th, but denies using it; surrendered on the 16th; of no particular church.	Birge.	Convicted and sentenced to death.
133	WHITNEY, REILLY, native of Vermont, labourer, aged 27 years; landed at Windmill Point on the 12th November; was taken prisoner on the 16th; denies taking arms; says he hid in a cellar during the action; helped to cook for the wounded.	Woodruff, of Watertown; Birge.	Convicted and sentenced to death.
134	WASHBURN SAMUEL, native of Warren County, State of New York, aged 25 years; embarked at Oswego; landed at Windmill Point on the 12th, and was taken prisoner on the 16th November; says he was sick all the time, and did not take arms; is of no particular church, but holds to the close communion baptists.	Coffin.	Convicted and sentenced to death.
135	WOODRUFF, MARTIN, native of Salina, State of New York, aged 40 years; sworn in a patriot in August, 1838; embarked at Oswego on the 11th November; had a ticket which cleared his passage; landed at the Windmill Point on the 12th November, 1838; was taken prisoner on the 16th; is believed to have been an officer among the "patriots;" is also said to have been sheriff of Salina; he says Von Schoultz was a hunter; he saw him at the meeting; says he did not expect to fight; denies taking arms; says all the respectable people in Salina and Syracuse were in favour of the projects.	Erasmus Stone of Salina; — Ward of Auburn.	Convicted, sentenced to death, and executed.
136	WILSON, CHARLES, native of Jefferson County, State of New York, labourer, aged 18 years; landed at Windmill Point on the 12th, and was taken prisoner on the 13th; says one Prendergast persuaded him to cross over.	Prendergast, at Cape Vincent.	Convicted and sentenced to death.
137	WAGNER, JOSEPH, native of Germany, salt-boiler, aged 22 years; was working at Salina; became one of the Patriots about 1st November, 1838; embarked at Oswego on the 11th November; landed at Windmill Point on the 12th; took part in the action of the 13th, and was taken prisoner on the 16th November.	— Richmond, of Salina; & Bayley, of Watertown.	Convicted, sentenced to death, and recommended to mercy.
138	WILKIE, HOSEA C., native of Jefferson County, State of New York, labourer, aged 19 years; embarked at Millen's Bay, and landed at Windmill Point on the 12th November; was taken prisoner on the 13th, in a stone house near the mill; had arms, but denies using them; a Methodist.	. .	Convicted and sentenced to death.
139	WOODRUFF, CHARLES, native of the State of New York, labourer, aged years; landed at Windmill Point on the 12th November; took part in the action on the 13th, and surrendered with the rest on the 16th.	— Stone, postmaster of Salina.	Convicted and sentenced to death.
140	WILEY, SAMPSON, native of Watertown, Jefferson County, State of New York, apprentice, aged 20 years; was sworn in a Hunter, at Watertown, last summer; embarked at Sackett's Harbour; landed at Windmill Point on the 12th November, and surrendered on the 16th with the rest; says he left home for the purpose of meeting other young men going to the west, where he understood an attack upon Canada was to be made; denies taking arms; says he saw the action on Tuesday from the Windmill.	. .	Convicted and sentenced to death.

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No. 4.

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ALPHABETICAL LIST of PRISONERS taken at or near WINDSOR, in the Township of SANDWICH, in the Western District, charged with the hostile Invasion of this Province, on Tuesday, the 4th day of December, 1838, with an Abstract of their Cases, and the Decisions thereon.

No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
1	ATTWOOD, ISRAEL GIBBS, a native of the town of Jefferson, in the State of New York, labourer, aged 18 years; states that he went on board the boat to see the Patriots start, and was forced to remain on board, and landed in Canada above Windsor; that he refused to join the party; was taken prisoner on the 4th of December by Mr. Ironside.	. .	Convicted and sentenced to death.
2	AITCHISON, JAMES MILNE, a native of Scotland, crossed over from Detroit in the steam-boat Champlain, on the morning of Tuesday, the 4th of December, 1838; states that he came over to inquire for a letter at the Post-office, and was forced to march with the Patriots, but made his escape as as soon as possible; was taken prisoner that same day near Windsor.	Gen. Birce.	Convicted and sentenced to death.
3	BEDFORD, DANIEL DAVIS, a native of the township of Hope, in the Newcastle District and Province of Upper Canada, aged 27 years, farmer; states that he has resided the last fourteen years in the township of Norwich, in the London District; was travelling from Norwich to Michigan, and was taken prisoner on the St. Clair on Thursday, the 6th, or Friday, the 7th of December, 1838; that he was out under Dr. Charles Duncombe last year, and surrendered himself, and was released on bail.	. .	Convicted, sentenced to death, and executed.
4	BARTLET, WILLIAM, a native of the State of New York, aged 31 years; states that he crossed with the party and marched with them to Windsor, where he saw the barracks burning, and afterwards ran into the woods, and was arrested on the 5th of December on the St. Clair.	. .	Convicted and sentenced to death, but recommended to mercy.
5	BARNUM, HENRY VERRELON, a native of Charlotteville Long Point, Upper Canada, aged 25 years; denies the charge alleged against him; states that he crossed over from Detroit in a small boat on Monday, the 3rd of December, 1838, and landed near Windsor; that on Monday and Tuesday he travelled towards Chatham; heard the firing of cannon on Tuesday morning; on Wednesday struck across towards Gosfield, and was arrested on Wednesday evening in company with Fero, who was with him on the whole route.	. .	Convicted and sentenced to death.
6	BARBER, SIDNEY, a native of Connecticut, aged 35 years; states that he crossed with the patriots on the 4th of December on board the steam-boat Champlain, and marched to Windsor, where they were fired upon by the British, which drove them into the woods; was wounded during the firing, and was arrested on the middle road on the night of the 9th of December.	Dr. Post and — Eastman, a lawyer, both of Adrian.	Convicted and sentenced to death, but recommended to mercy.
7	CLARK, ALBERT, a native of New Hampshire, in the United States, aged 21 years, followed boating on the Ohio Canal; states that he crossed from Detroit to Canada on Sunday, the 2nd of December, 1838, in company with a man named Snow, and one Bartlett came to look at the land; owns one-half of a canal boat on the Ohio Canal; was arrested by militia men on guard on the St. Clair.	. .	Convicted, sentenced to death, and executed.
8	CRANDELL, OLIVER, a native of the State of New York, aged 41 years; states that he came to Detroit sometime last November, where he met Generals Brice and Putman, and was taken by them into the woods where the Patriots were assembled, where he drank some brandy, after which he can recollect nothing, till Wednesday morning, the 5th of December; was arrested on the 5th of December, 1838.	. .	Convicted and sentenced to death.

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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
9	CUNNINGHAM, CORNELIUS, a native of the State of Vermont, aged 32 years; states that he has lived eight years in Canada, but never took the oath of allegiance; left Canada for Michigan in May last; was induced to join the Patriots through the representations of General Putnam and Elisha Hall, and crossed with the party; was arrested on the shore of Lake St. Clair on the morning after the battle, at about eight o'clock A.M.	Elisha Hall.	Convicted and sentenced to death.
10	DOAN, JOSHUA GILLAM, was born at Sugar Loaf, in Upper Canada; states that he went down to the steam-boat to see an acquaintance, and could not afterwards leave the boat; that he cut the tiller ropes to prevent them crossing, but was compelled to go with them, and that he left the party as soon as possible after landing; was arrested on the bank of the Detroit river the day after the battle, attempting to cross to the United States.	. .	Convicted and sentenced to death.
11	FERO, JAMES DELVITT, a native of Upper Canada; states that he crossed from Detroit to Upper Canada on the 3rd of December, in company with Barnum; is not connected with the Patriots; was arrested on the 5th of December, together with Barnum.	. .	Convicted and sentenced to death.
12	GUTRIDGE, JOHN SEYMOUR, a native of Cayuga County, in the State of New York; states that, believing the Canadians to be in a state of revolt, he crossed over with others to assist them; belonged to the Secret Society; before arriving at Windsor he ran into the woods; was promised eight or nine dollars a month and 300 acres of land.	. .	Convicted and sentenced to death.
13	GRASSON, JOSEPH, a native of the London District, in Upper Canada, aged 19 years; states that he joined the patriots of his own accord near Ypsilanti; was promised eight dollars a month and 160 acres of land if successful; and if unsuccessful, only eight dollars a month; was sworn in as a "hunter;" crossed over with the party, and was arrested near Stoney Point.	Jsa. Phillips, — Fowler.	Convicted and sentenced to death.
14	GOODRICH, HARRISON PETER, a native of the State of Vermont; denies the charge alleged against him; says that he was going to Lockport, by way of Hamilton, to see his father; was arrested on the morning after the battle, in company with Cornelius Cunningham, on the shore of Lake St. Clair.	. .	Convicted and sentenced to death.
15	HORTON, JOSEPH, a native of Vermont, aged 15 years; states that he went on board the boat to look for a trunk, and was forced to cross over with the party, but never acted with them; was arrested on the 4th of December, about six hours after the battle, five miles above Sandwich.	. .	Convicted and sentenced to death.
16	HORTON, EZRA, a native of Vermont, aged 16 years; states that he went on board the boat to look for his baggage, and the boat started without his knowledge; that he left the party as soon as they landed, and, when the firing commenced, turned up the river; was arrested on the 4th of December, about six hours after the battle, five miles above Sandwich, and that, being frightened of the Indians, he tried to escape, when he was fired at and wounded by them.	. .	Convicted and sentenced to death.
17	HAY, DAVID, a native of Scotland, aged 18 years; states that he crossed over from the States about two miles above Maldon, on the 5th Dec.; that he was brought over by a Frenchman in a canoe, and was not connected with the Patriots; was arrested on the bank of the river Detroit the day after the battle, in company with Joshua G. Doan and James P. Williams.	. .	Convicted and sentenced to death.
18	HIGGINS, CORNELIUS, a native of Vermont, aged 17 years; states that he crossed from Detroit, on the 3rd of December, in a small boat, and landed above Windsor; that he came over to look for work; was arrested on the day after the battle, in company with Oliver Crandell and Riley M. Stewart.	. .	Convicted and sentenced to death.



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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner as advising or taking part.	Decision, &c.
19	JONES, WILLIAM, a native of the State of New York, aged 29 years; states that he crossed from Detroit to Windsor, on Monday, the 3rd of December, in a small boat, and travelled towards Chatham, but missed his road and turned back toward Sandwich; was arrested eight miles above Windsor on the night of the battle, about ten or twelve o'clock, armed with a musket and cartouch box.	. .	Convicted and sentenced to death.
20	KENNEDY, DANIEL, a native of the State of New York, aged 20 years; states that he crossed over from Detroit in a canoe, and landed two miles and a half above Windsor; that he came over from curiosity, about 10 o'clock on the day of the battle, to see what had been done; denies being connected with the patriots; was arrested about two miles and a half from Windsor, on the day of the battle, in the bush, in company with Charles Read.	. .	Convicted and sentenced to death.
21	LYNN, HIRAM BENJAMIN, a native of the United States, aged 26 years; states that he came into Canada on board the steam-boat, in company with the Patriots; was arrested in the woods, near Stoney Point, along with Joseph Grason and Elizur Stevens; was arrested with a musket and dagger.	. .	Convicted, sentenced to death, and executed.
22	MEADON, STEPHEN, a native of Albany, aged 20 years; states that he crossed over with the Patriots, on board a steam-boat, on the morning of the 4th of December, 1838; received 15 dollars from Doctor Duncombe, at Lockport, to assist him.	Gen. Birce, — Harris, Dr. Rolph, Dr. Duncombe — Fuller.	Convicted and sentenced to death.
23	MAYBEE, ORIN JOHN SNIDER; states that he crossed over with the Patriots, on board a steam-boat, on the morning of Tuesday, the 4th of December, 1838; attempted to escape, but was compelled to go forward.	. .	Convicted and sentenced to death.
24	M'DOUGALL, DAVID, a native of Scotland, aged 25 years; states that he crossed with Patriots, on the steam-boat, Champlain, on the 4th of December; that he is a member of the Secret Society; marched to Windsor; saw the steam-boat Thames, and the barrack on fire, and saw Doctor Hume shot.	Elisha Hall, Walter Chase, — Chapman, from Chip- pawa; and — Wilcox, — Knowles, — Putney, & E. Crawford, of Detroit.	Convicted and sentenced to death, but recommended to mercy.
25	MORIN, MICHAEL, a native of Lower Canada, aged 31 years; states that he crossed, on the 6th of December, from Detroit to the foot of Lake St. Clair, and was arrested that same day; denies being connected in any way in the invasion.	. .	Convicted and sentenced to death.
26	MARSH, ROBERT, a native of the State of New York; denied being connected with the Patriots; and refused to make any further statement.	. .	Convicted and sentenced to death.
27	NOTTAGE, WILLIAM, a native of Halifax, Nova Scotia; states that he went on board the boat for the purpose of being brought over to Canada, and that when the Patriots took possession of the boat they asked him to take arms, which he refused; was arrested on the shore of Lake St. Clair, within 12 miles of the Thames.	. .	Convicted and sentenced to death.
28	PUTNAM, GEORGE, a native of the London District, in Upper Canada; states that he crossed with the Patriots, on board the boat, on the 4th of December; that he is a member of the Secret Society, and was induced to join by his uncle, General Putnam.	. .	Convicted and sentenced to death, but recommended to mercy.
29	PURLEY, THOMAS, a native of St. John's, New Brunswick; states that he has become a citizen of the United States; was induced to join the Patriots from the statements he heard concerning unsettled state of Canada; was arrested about 11 o'clock, A.M., on the 5th of December, within about 14 miles of Sandwich, in bed, with his clothes on.	. .	Convicted and sentenced to death.

No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner, as advising or taking part.	Decision, &c.
30	READ, CHARLES, a native of England, aged 17 years; states that he went on board the boat, as he heard she was going up the River Thames; that he was forced off the boat when she reached the Canada shore; that he followed the party about three quarters of a mile towards Windsor, and then turned off towards the woods; and was arrested that evening two miles and a half from Windsor, along with Daniel Kennedy.	• •	Convicted and sentenced to death.
31	SNOW, SAMUEL, a native of Massachusetts, aged 38 years; states that he crossed with the Patriots, on Tuesday, the 4th of December, 1838, from Detroit to Windsor; saw the barrack on fire, and heard the firing; when he went into the woods; is a member of the Lodge of "Hunters;" was arrested on Thursday, on the River St. Clair.	Mr. Birce, a lawyer at Portage, Ohio.	Convicted and sentenced to death.
32	STEVENS, ELIZUR, a native of the United States; states that he is a member of the Secret Society; was induced to join by a promise of 160 acres of land, and eight dollars per month; came over in the steam-boat with the Patriots.	• •	Convicted and sentenced to death.
33	SWEET, ALVIN BURROUGHS, a native of the State of New York, aged 22 years; states that he crossed in the steam-boat with the party, having taken a passage for Bear Creek, but was forced on shore near Windsor; that he went with them towards Windsor, and saw the barrack burning; but as soon as the firing commenced turned up the river, about six or seven miles, when he was arrested along with Israel Atwood.	• •	Convicted and sentenced to death.
34	SHELDON, CHAUNCEY, a native of Vermont, aged 52 years; states that he came over on the boat with the Patriots, having business in Canada, but that he refused to join them; followed the party towards Windsor, and heard the firing; when the Patriots retreated, turned up the river, and was arrested about five miles from Windsor.	• •	Convicted and sentenced to death.
35	SPRAGGE, JOHN, a native of the State of New York, aged 28 years; states that he crossed over in the steam-boat, Champlain, with the Patriots, on the 4th of December; that he was intoxicated, and dragged on board; that when they landed he sat down on a log for about two hours, and was arrested by a Frenchman.	• •	Convicted and sentenced to death.
36	STEWART, RILEY MONSON, a native of Massachusetts, aged 31 years; states that he crossed over from Detroit to Canada in a small boat, on the 4th of December, to look for work; was arrested on the 5th of December, in company with Oliver Crandwell and Cornelius Higgins.	• •	Convicted and sentenced to death.
37	SIMMONDS, JOHN HENRY, a native of the State of New York, aged 23 years; states that he crossed over to Canada a week before the battle, to look for work: was arrested about eight o'clock on the night of the 5th of December, on a back road near the mouth of the Thames, in company with William Nottage.	• •	Convicted and sentenced to death.
38	TYRRELL, JOHN B., a native of Malahide, in Upper Canada; states that he is a member of the Secret Society; crossed over to Canada with the brigands, on the 4th of December; that when they landed orders were given to shoot any one who attempted to escape, and he was forced to march with them; but, as soon as he could, he deserted from them.	• •	Convicted and sentenced to death.
39	TIFFANY, ABRAHAM, a native of the State of New York, aged 48 years; states that he was travelling through Canada to Michigan; that when he got near Sandwich, was advised to turn back, as he might meet with difficulty; that he turned back, and was arrested as he was going to Gosfield.	• •	Acquitted.
40	WOODBURY, TRUMAN, a citizen of the United States; states that he crossed over on board the steam-boat with the party, and tried to remain on board, but was forced off by Colonel Cunningham; deserted the party about half an hour after crossing.	• •	Convicted and sentenced to death.

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No.	Name and Particulars of Case, embracing Age, Country, &c.	Persons living in the United States accused by the Prisoner, as advising or taking part.	Decision, &c.
41	WHITNEY, ROBERT, a native of the State of New York; states that he was hired to cook for a company that was going hunting; that he crossed over to Canada with the party, but as soon as he found out their object he endeavoured to get back, but could not; when the party landed, turned up the river, and travelled about ten miles, when he was arrested.	Jeremiah Fuller, a Justice of the Peace at Cleveland, Ohio.	Convicted and sentenced to death.
42	WILLIAMS, JOHN CHESTER, a native of Vermont; states that he came over from Detroit to Canada with a body of armed men, on board a steam-boat, to assist the Patriots in Canada; that he did not march to Windsor with the party.	. .	Convicted and sentenced to death.
43	WOODMAN, ELIJAH CROKER, a citizen of the United States; states that he has lived in Canada about six years, but never took the oath of allegiance; went on board the boat, as he heard she was going to Black River, in the State of Michigan, and was forced off when she anchored on the Canada side; that he was arrested on the road towards Chatham, on the 5th of December.	. .	Convicted and sentenced to death.
44	WILLIAMS, JAMES PETER, a native of the State of New York, aged 24 years; states that he has been in Canada since the 12th or 13th of November, travelling about looking for an uncle, named Joseph Williams; was arrested between Malden and Sandwich, on the morning after the battle, in company with Johua G. Doan, endeavouring to cross to the United States.	. .	Convicted and sentenced to death.

(Copy.)

Enclosure 6 in No. 4.

Executive Council Chamber,  
Toronto, Monday, 4th February, 1839.

Encl. 6 in No. 4.

Present.—The Honourable Robert Baldwin Sullivan, Presiding Councillor; the Honourable William Allan; the Honourable Augustus Baldwin; the Honourable William Henry Draper; and the Honourable Richard Alexander Tucker.

To his Excellency Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

THE Executive Council, in obedience to your Excellency's commands, have carefully considered the important question which now arises, as to the disposal of the cases of the remaining prisoners, convicted under the Act of the Provincial Parliament, 1st Vic., cap. 3.

The Executive Council have hitherto placed, as much as possible, out of view the great difficulties with which this question is surrounded, because they wished to advise your Excellency in the selection of criminals for capital punishment, giving to the side of humanity and mercy all the weight which regard to the public safety permitted, without bringing forward any considerations of expediency or policy which might in any way countervail them.

Had the Council taken the difficulties, which now force themselves upon their notice, into consideration, and permitted them to have weight in their decisions, respecting the selections for capital punishment, economy, and perhaps sound policy, might have guarded against these embarrassments, by infliction of the punishment of death on a much larger portion of the prisoners, and by free pardon or dismissal of the remainder. Thus the whole, by a simple and inexpensive process, would have been disposed of; the ends of justice would have been satisfied, and the public security provided for. But, under present circumstances, the humane policy of the Imperial Government—the utter defeat which has attended the attempts of the invaders—and the present security afforded by the large armed force embodied in the province—joined to the repugnance which the council feel, and which they know your Excellency entertains, to the taking of human life, have left to be disposed of by the government a number of criminals who have been spared from capital penalty, but whom it would be unsafe and unjust to pardon altogether.

One of the great obstacles to a free pardon of the whole of the criminals is, the certainty which now exists of the continuance of hostile intentions on the part of the class of American citizens to which the prisoners belong. If the government of the United States could, or would, assure Her Majesty's territory against a renewal of invasion—if the leading invaders could find no refuge in the United States—if the movements and machinations of the enemy were strictly watched, suppressed and punished in the country in which they arise—the council might consider the war at an end, and, satisfying itself with the punishment of the

chief criminals, have discharged others, who, however guilty, would have been innoxious for the future. This province had no interest in the individual amendment of the prisoners, and could not be called upon to bear the expense and inconvenience of inflicting secondary punishments, either for the sake of the parties themselves, or for their fellow-citizens. If the prisoners were wicked and demoralized, so long as they would be kept out of the Canadas, it would signify little to the people of Canada what their moral degradation might be, and, therefore, when public security should be provided for, no inducement but that of revenge, which ought never to influence public measures, would remain, for this government troubling itself, either with the custody of the prisoners or with their punishment; and the sooner they were got rid of, the sooner would the province be restored to its ordinary state of tranquillity.

Allowing, however, the American government to be sincerely desirous of preserving peaceable relations between its border citizens and the subjects of Her Majesty in Canada—the denunciations of the frontier press—the threats of secret assassination of Canadian loyalists—reports of new organizations of patriot associations—and, above all, the protection and encouragement afforded in the United States to the leading criminals, who have repeatedly violated the laws of both countries, by invading Canada—show, beyond dispute, that the province is indebted for its present safety solely to the presence of a large regular and militia force, and by a cordon of military guards along the whole extent of frontier. Such being the case, it would seem weak and abortive policy to fight, defeat, and capture enemies in the field, and, after a great expense of blood and treasure in the operation, to let them return to the very place in which they might commence their former course anew, with the additional instigators of revenge and retribution for their former defeat and sufferings.

Were the American government to consider the protection afforded to fugitives for political offences forfeited when abused by repeated aggression upon the neutrality of the United States, and by repeated hostile organization within the American territory against a neighbouring friendly power, and a consequent endangerment of the peace of the two nations—were it positively understood that such men as Johnson, Birge-Birce, and Mackenzie, would be seized and delivered up as having violated the refuge afforded them, there would be no objections to the release of hundreds of obscure criminals—because we might be assured that if certain punishment awaited the leaders, notwithstanding their escape across the border, the whole conspiracy would fall to the ground for want of leaders, as none would be found to place their lives at the chance of a single invasion, upon the failure of which certain and condign punishment would await them.

In the absence of this power of punishing the leaders, who usually are careful to keep themselves in safety within the United States, or to retreat there upon the first prospect of danger, this Government is bound to protect the province by retaining dangerous, though subordinate, prisoners; and it also has to bear all the burden of producing a moral, deterring, and intimidating effect upon the hostile portion of the United States' citizens on the frontier, by carrying into effect extensive secondary punishments upon those who fall into our hands; this being, in fact, the only means within the power of the Canadian government of deterring the inimical American citizens, who intend to invade the province, from carrying their intentions into effect, unless the burdensome and inconvenient one, which is also necessary, in maintaining a large military force in the province.

Assuming that it would not be safe, or politic, to dismiss from imprisonment the whole of the remaining criminals, and, moreover, that it is necessary for the sake of deterring example to visit a considerable portion of them with punishment, the next consideration which forces itself upon the Council is, the mode and extent of commuted penalty which is to be awarded.

Within the province it may be said there are no means of carrying secondary penalty into effect. The only prison in which the convicts could be placed to labour, or even for secure custody for any length of time, is the public Penitentiary. That building is now full of prisoners for strictly civil offences, and a few traitors of a particular class; and, moreover, much of evil, if not of danger, appears likely to arise from the imprisonment within its walls of the class of offenders whose cases are now under consideration.

It would seem at the first glance to be a very appropriate punishment to put the convicts to hard labour on the public works or fortifications; but the extent of the frontier, and its proximity to the places of imprisonment, offers too many opportunities for escape, or rescue, to make this course advisable.

The only remaining method of punishment appears to be transportation to one of Her Majesty's penal colonies; and the Council are led to the conclusion, that there can be no medium adopted between this course and a free pardon.

One great objection to transportation of criminals in large numbers is, the expense, which your Excellency is aware this province can ill afford. Large sums have been expended in the transportation of prisoners, and the Council feel the greatest reluctance in advising a recourse to the punishment of transportation, and thereby adding to the burdens which the state of disquiet in which the province has been latterly placed have imposed upon the country.

The Council hope they may be excused for suggesting, that, possibly, upon your Excellency's application, the removal of the convicts to England, on the way to their destination, may be accomplished by means of returning transport-vessels or ships of war, and that the heavy expense, amounting hitherto to 20*l.* sterling, for each prisoner, may be avoided.

With these preliminary observations the Council proceed to advise your Excellency, as respects the distribution of the prisoners into two classes—one for pardon, and the other for transportation to one of Her Majesty's penal colonies.

The Council commence with the class which, in their opinion, may, with comparative safety,

No. 4.  
Sir George Arthur  
to Lord Glenelg.  
5th February, 1839.  
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No. 4.  
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5th February, 1839.  
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be set at liberty. These consist of persons of 21 years of age and under, who have been selected on the grounds of inexperience and a supposed immaturity of judgment, and of individuals who have been recommended by the court-martial to the merciful consideration of the government. The former division comprises 58, and the latter 22 persons, making an aggregate of 80, to whom the Council respectfully recommend that a free and unconditional pardon should be granted; after deducting these 80 from the whole number of convicts now in confinement, there will remain 85 individuals who, for the reasons already detailed, the Council conceive ought to be punished with transportation.

All which is respectfully submitted.

(Signed) R. B. SULLIVAN, P. C.

(No. 32.)

No. 5.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.  
to LORD GLENELG.

MY LORD,

Toronto, Upper Canada, 18th February, 1839.

No. 5.  
Sir George Arthur  
to Lord Glenelg.  
18th February, 1839.

IN transmitting to your Lordship the accompanying documents respecting a prosecution instituted in one of the courts of this province against an individual named Howland Hastings, for an assault committed by him upon a British subject in the city of Detroit, State of Michigan, I have to express my very deep regret at the occurrence; and lament that the Justices who composed the Court of Quarter Sessions for the Western District gave such strong evidence of their total want of legal knowledge.

I am sorry to be thus thrown upon defending or explaining our proceedings in this or any other matter, wherein we are manifestly wrong, but I do not apprehend any serious evil results, and the full explanation which I have afforded to the American authorities will, I trust, prove satisfactory.

From the perusal of my Despatch to Mr. Fox, forming one of the enclosures, your Lordship will perceive that, treating on this matter, I have availed myself of the opportunity to bring under his Excellency's notice two cases wherein the grievance is reversed, and we are ourselves the complainants.

The state of public feeling at Sandwich and Windsor continues, I am sorry to say, to be very excited.

I have, &c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

#### Enclosure in No. 5.

Documents forming the Enclosure in Sir GEORGE ARTHUR's Despatch, No. 32, of the 18th February, 1839.

- Enclosure in No. 5.
- No. 1. Mr. Fox to Sir G. Arthur, dated 1st February, 1839.
  2. Sir G. Arthur to Mr. Fox, 15th Feb. 1839.
  3. Letter from Governor Mason, 11th Jan. 1839.
  4. Reply from Lieutenant-Governor, 19th Jan. 1839.
  5. Mr. Prince's Report, 12th Jan. 1839.
  6. Mr. Macaulay to Mr. Prince, 24th Jan. 1839.
  7. Attorney-General's Opinion, 22nd Jan. 1839.
  8. Mr. Macaulay to the Sheriff of the Western District, 24th Jan. 1839.
  9. Mr. Prince to Mr. Macaulay, 2nd Feb. 1839.
  10. Mr. Macaulay to Attorney-General, 9th Feb. 1839.
  11. Attorney-General to Mr. Macaulay, 9th Feb. 1839.
  12. Mr. Macaulay to Mr. Prince, 12th Feb. 1839.
  13. Mr. Macaulay to the Sheriff of the Western District, 12th Feb. 1839.
  14. The Lieutenant-Governor to Governor Mason, 14th Feb. 1839.
  15. Mr. Macaulay to the Sheriff of the Western District, 15th Feb. 1839.
  16. Mr. Macaulay to C. Baby, Esq., Clerk of the Peace, Western District, 15th Feb. 1839.
  17. Memorial of Mr. O'Reilly.
  18. Ditto of Mr. Duggan.

(Copy.)

No. 1.

SIR,

Washington, 1st February, 1839.

No. 1.

I have the honour to transmit to your Excellency the copy of a letter addressed to me, by direction of the President, by the United States Secretary of State, enclosing a paper received from the Executive of Michigan, which purports to be the copy of a presentment of the Grand Jury of Upper Canada, against a person of the name of Howland Hastings, for an

assault committed in the city of Detroit in said State of Michigan, and requesting an explanation upon the subject of that paper. I shall feel obliged to your Excellency to furnish me with such information as it may be in your power to give upon the subject. The facts of the case are not very intelligibly stated in the enclosed papers. If both the parties are British subjects, I presume that the action for assault may be brought in a Canadian court of justice, although the said assault may have been committed within the confines of the United States. If, on the contrary, one of the parties be an American-born citizen, there may be found to have been some irregularity in the proceeding.

No. 5.  
Sir George Arthur  
to Lord Glenelg.  
18th February, 1839.  
Enclosure in No. 5.

His Excellency Major-Gen. Sir George Arthur, K.C.H.,  
&c. &c. &c. I have, &c.  
(Signed) H. S. FOX.

(Copy.)

SIR, Department of State, Washington, 28th January, 1839.

By the President's direction I have the honour to transmit to you the copy of a paper recently received at this department from the Governor of the State of Michigan, purporting to be the copy of a presentment of the Grand Jurors of the Western District of the province of Upper Canada, against Howland Hastings, for an assault and battery, committed at Detroit in said State, on the 1st of December last.

Although some of the public journals of the day assert that there has been, in a tribunal of Canada, a trial, condemnation, and sentence, of a person charged with an offence committed at Detroit, this communication is now made to you in the hope that you may have it in your power, by an application in the proper quarter, to procure and furnish to me, without needless delay, a satisfactory explanation of the proceedings in question, the President being utterly unable to persuade himself that the judicial tribunals of Her Majesty's Canadian provinces can have asserted a right to try offences committed within the jurisdiction of the United States.

His Excellency Henry S. Fox,  
&c. &c. &c. I am, &c.  
(Signed) JOHN FORSYTH.

(Copy.)

Western District, to wit.—The jurors for our Lady the Queen, upon their oaths present, that Howland Hastings, late of the township of Sandwich, in the Western District aforesaid, labourer, on the first day of December, in the second year of the reign of our Sovereign Lady Victoria, with force and arms, at the city of Detroit, that is to say, at the township aforesaid, in and upon one Samuel Wilcox, then and there did strike, beat, wound, imprison, and ill-treat, and other wrongs to the said Samuel Wilcox, then and there did to the great damage of the said Samuel Wilcox, and against the peace of our Lady the Queen, her crown and dignity.

I certify the above to be a true copy of the original filed of record.  
Clerk of the Peace's Office, Sandwich,  
10th January, 1839. (Signed) W. R. WOOD, D. C. P.,  
Western District.

(Copy.)

SIR, No. 2.  
Government House, Toronto, 15th February, 1839.

IN acknowledging the receipt of your Excellency's letter of the 1st instant, enclosing the copy of a communication to you from the United States Secretary of State, respecting a prosecution instituted in one of the courts of this province against a person of the name of Howland Hastings, for an assault committed by him in the city of Detroit, in the state of Michigan, I have the honour to transmit you herewith several documents relating to this "untoward," and, I may add, very improper proceeding on the part of the General Quarter Sessions for the Western District of Upper Canada.

From the perusal of these papers, your Excellency will discover that an order for the liberation of Hastings was despatched by me to the Sheriff of Sandwich, the moment I had ascertained from the report of the Attorney-General that the sentence pronounced on Hastings was illegal; and you will perceive that the subsequent detention of this individual has been occasioned by his inability to procure security for his keeping the peace towards Colonel Prince, who has formally preferred a charge against him, upon oath, of a design against his life.

Your Excellency will easily conceive that occurrences of this kind cause me the greatest anxiety, and you will at the same time understand how difficult, or rather how impossible, it is to prevent them altogether, under the extraordinary excitement of feelings to which the atrocious events of the past year have naturally given rise. To allay this excitement, by inspiring the people of Upper Canada with due confidence in the protection of Government, and to maintain the "vantage ground" we have gained by our moderation and forbearance, under circumstances of the most unprovoked aggression, have, I can assure your Excellency, been the objects of my constant and unceasing efforts; and though, as in the case of Hastings, some things have occasionally taken place which have given



No. 5.  
Sir George Arthur  
to Lord Glenelg.  
18th February, 1839.  
Enclosure in No. 5.

me much pain, it yet affords matter of congratulation that they have not been more numerous.

I avail myself also of this opportunity of drawing your Excellency's attention to two representations which have been addressed to me by Mr. O'Reilley and Mr. Duggan, the former a magistrate, and the latter a militia officer of this province, complaining of the treatment they have most unjustly experienced whilst on visits to the neighbouring states, in consequence of their conduct in the faithful discharge of their professional duties.

These cases obviously differ in a material point from the case of Howland Hastings, and I do not, consequently, by any means offer them to your Excellency as a complete "set off" against the irregularity of the proceedings of the General Quarter Sessions of the Western District; but they will at least lessen surprise that even a British court of justice should have been betrayed into a very glaring error, under a sentiment of strong indignation pervading all the members of the court at the annoyances which are repeatedly practised, and in every possible variety of form, on the peaceable and unoffending inhabitants of this country.

In forwarding you the statements of Messrs. O'Reilley and Duggan, it is merely my wish to make your Excellency acquainted with the facts detailed by them, and I leave it entirely to your Excellency's judgment to make use of them as you may deem proper.

His Excellency H. S. Fox,  
&c. &c. &c.

I have, &c.  
(Signed) GEO. ARTHUR.

(Copy.)

No. 3.

SIR,

Executive Department, Detroit, January 11th, 1839.

For Copy  
of Indictment, vide  
Enclosure No. 1.

I ENCLOSE to your Excellency a copy of an indictment of the Grand Jurors of the Western District of the Province of Upper Canada, against Howland Hastings, for an assault and battery committed "AT THE CITY OF DETROIT," *against the peace and dignity of the Queen of Great Britain.*

This case seems to be unconnected with the unhappy disturbances which have existed on our frontier, and I feel assured that a proceeding so totally at variance with every principle of English law, will receive the prompt interference of your Excellency.

Hastings is a resident of this state, and I have to request that your Excellency, under the circumstances presented, will order his discharge.

I have, &c.  
(Signed) S. T. MASON.

Sir George Arthur, K.C.B., &c. &c. &c.

(Copy.)

No. 4.

SIR,

Brentford, January 19th, 1839.

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant, with its inclosure, but as it embraces a legal subject, it is necessary that I submit it for the opinion of the law-officers of the crown, and which I will do the instant I arrive at Toronto.

I beg leave, at the same time, to assure you of my intention to treat the subject with every consideration and justice in my power.

I have, &c.  
(Signed) GEO. ARTHUR.

His Excellency Governor Mason,  
&c. &c. &c.

(Copy.)

No. 5.

May it please your Excellency,

Sandwich, Upper Canada,  
12th January, 1839.

For the information of your Excellency, I beg leave, as chairman of the quarter-sessions, to state that *Howland Hastings* (on whose behalf you received this day some application from Mr. Mason the governor of Michigan), was tried at our last quarter-sessions of the peace, for an assault on one of my volunteers, named Wilcox, and being convicted, was sentenced to six months' imprisonment; and the facts, as stated by the evidence, are as follows:—

A few days after the battle, at Windsor, Wilcox (who is a very excellent and respectable young man) happened to have business at Detroit, and he met in a house there the prisoner Hastings and four or five other men, who professed themselves to be "Patriots," and who were reviling the British, as usual, and boasting how many they had destroyed at Windsor. He listened to them, when the prisoner at length got into conversation with him, and having ascertained that he came from this side, their conversation turned upon me. The prisoner after some time said to Wilcox, *that if he would bring to Detroit Mr. Prince's head he should receive 800 dollars for it, and 1000 if he would bring Mr. Prince over*, when the prisoner clapped him upon the shoulder, called him a *damned tory*, and said "You are my prisoner;" and he remained a prisoner in the house for upwards of an

On Christmas Day the prisoner made his appearance in *Sandwich*, and was taken up by Captain Thebo and a file of men, on suspicion of being a spy from Michigan, or a person of worse character. He could not give any account of himself, and I have no doubt whatever, and the general opinion was and still is, that he came over for some hostile purpose against our people or myself. After he had been in custody a short time, Wilcox suddenly came in, and immediately recognized him as the same man who had assaulted and imprisoned him (Wilcox) in Detroit about three weeks before, and who had offered a reward for myself; and he went before a magistrate (Major Girty), and made oath of the facts, and the prisoner was committed to Sandwich gaol to take his trial for the *assault* at our last sessions. The prisoner cross-examined Wilcox with great adroitness: he did not take any objection to the jurisdiction of the Court, or its power to try him; nor did Mr. William Elliott, who was present, and who *over alive*. This was said seriously and in earnest. He indignantly remarked upon the hour, when he escaped from them. He swears that he was in bodily fear the whole time. The above is the substance of the evidence.

conversed with him at his trial, though not ostensibly his council. His only defence was, that Wilcox had mistaken his person, for that he had never seen him, Wilcox, in his life until he was taken into custody at Sandwich on Christmas Day. In charging the jury, I particularly directed them to dismiss altogether from their minds the offer of a reward for my head, and that the only question for their consideration was *whether an assault had or had not been committed by the prisoner upon Mr. Wilcox*. They returned a verdict of guilty in less than three minutes, and the Court sentenced the prisoner to six months imprisonment,—I, of course offering no opinion as to what the sentence ought to be.

The general idea in Detroit (and so the papers express) is, that the prisoner was tried and imprisoned for having offered a reward for me, dead or alive. That of course is utterly erroneous; and, should your Excellency or the Attorney-General desire it, I will send a copy of the evidence which I took down fully at the trial. Indeed, I can send to Mr. Hagerman the original minutes if he wishes to peruse them.

The foregoing is a correct statement of facts, and I do hope that your Excellency will not authorize the discharge this prisoner (should you be advised to discharge him) until *he has at least given ample security to keep the peace for a limited time towards all Her Majesty's subjects, and especially towards myself, for whose head he has offered a large pecuniary reward*. I think that your Excellency and Her Majesty's law officers will see that we are, at least, entitled to that protection. Your Excellency cannot fail to observe how tenacious the Americans are of the liberty of one of the meanest of their citizens, while their bands of murderers and brigands, who, in broad day and in the face of Detroit, commit all sorts of atrocities on us, are allowed to stalk abroad with impunity, unnoticed and unmolested,—by them the professed advocates of liberty and rights of man. Indeed, the very prisoner, whom they now interfere for with your Excellency, has been proved to be one of the brigand crew.

I trust that your Excellency will protect us, because I have no doubt whatever that the prisoner is an assassin. In conclusion, I take the liberty of suggesting, most respectfully, that it may be well to send this letter to Her Majesty's Attorney-General at Toronto.

I have &c.

(Signed) JOHN PRINCE.

Sir George Arthur, K.C.H.,  
&c. &c. &c.

(Copy.)

No. 6.

SIR,

Government-House, 24th Jan., 1839.

WITH reference to your report as chairman of the quarter-sessions of the western-district, dated 12th instant, upon the case of Howland Hastings, convicted by the court at Sandwich of an assault at the city of Detroit, in the state of Michigan, upon the person of Samuel Wilcox, and sentenced to six months imprisonment, I am commanded to transmit to you a copy of the opinion of the Attorney-General to whom the case has been submitted, and to inform you that as that officer has declared the prosecution illegal, his Excellency has necessarily directed the discharge of Hastings by the sheriff.

The Lieutenant-Governor does not consider it requisite to send any directions respecting the demand of security for good behaviour, which you are of opinion that Hastings should give, as a proceeding of that nature can only be the result of a complaint by the party apprehending injury before a justice of the peace.

I have, &c.

To John Prince, Esq.

(Signed) JOHN MACAULAY.

Chairman, Quarter Sessions, Sandwich.

(Copy.)

No. 7.

SIR,

Attorney-General's Office, Toronto, 22nd Jan., 1839.

WITH reference to the case of Howland Hastings, convicted at the court of general quarter-sessions for the western district, of an assault and battery committed at the city of Detroit in the United States of America, on one Samuel Wilcox, and upon the legality of which conviction I have been desired by his Excellency the Lieutenant-Governor to state my

No. 5.

Sir George Arthur  
to Lord Glenelg.

18th February, 1839.

Enclosure in No. 5.



No. 5.  
 Sir George Arthur  
 to Lord Glenelg.  
 18th February, 1839.  
 Enclosure in No. 5.

opinion, I have the honour to report, that in my opinion, the prosecution of this person upon the charge mentioned was altogether illegal, and that he should be discharged from any punishment awarded in consequence of his conviction.

It appears from Mr. Prince's letter to his Excellency the Lieutenant-Governor, of the 12th instant (herewith returned), that there was strong reasons for suspecting that Howland Hastings meditated personal violence towards that gentleman,—if the justices of the peace before whom he may be brought should be of opinion that there is danger of his being guilty of any breach of the laws when discharged, it will be their duty to exact from him reasonable security that he will keep the peace towards *all* Her Majesty's subjects (for a stated period) before they set him at liberty.

I have, &c.  
 (Signed) CHAS. A. HAGERMAN,  
 Attorney-General.  
 The Hon. John Macaulay, Civil Secretary,  
 &c. &c. &c.

(Copy.)

No. 8.

SIR,

Government-House, 24th January, 1839.

WITH reference to the report made on the 12th instant by John Prince, Esq., chairman of the quarter-sessions of the western district, upon the case of Howland Hastings, who was recently convicted at Sandwich of an assault and battery committed upon Samuel Wilcox at the city of Detroit, in the state of Michigan, and who was thereupon sentenced to six months imprisonment in the district gaol, I am commanded to transmit to you a copy of the report of the Attorney-General, by which you will learn, that in the opinion of that officer the prosecution was contrary to law.

His Excellency therefore considers that Howland Hastings should not be subjected to any punishment in consequence of this illegal prosecution, and directs his discharge from your custody, unless he should be detained under some other legal proceeding.

I have, &c.  
 To the Sheriff of the Western District. (Signed) JOHN MACAULAY.

(Copy.)

No. 9.

SIR,

Sandwich, 2nd February, 1839.

ON my return from Malden yesterday, I found your letter of the 24th ultimo, enclosing a copy of the Attorney-General's opinion upon the case of *Howland Hastings*, and that officer having reported his opinion to be against the legality of the prosecution, it appears that his Excellency has, upon the strength of that opinion, directed the discharge of Hastings by the sheriff; and I presume that the necessary order for that purpose is contained in the letter forwarded by you to me at the same time for the delivery to the sheriff. But before I deliver it I feel it due to myself, as well as others who have become "marked men" by reason of our sacrifices and exertions in the cause of loyalty, to state the fact, that on the 17th ultimo I went before Joseph Woods, Esq., J.P.W.D., and proved to that magistrate's entire satisfaction that Hastings did on or about the 8th of December last offer to one Samuel Wilcox 800 dollars for my head, or 1000 dollars for my body alive, if brought over to Detroit; that Hastings declared they would have me at any rate; that he belongs to the people called "Patriots;" and that I believed his meaning to be that he or his gang would attempt to take or murder me; that on the 25th of last December he was arrested in the town of Sandwich upon suspicion of being a spy and a person of dangerous character from Michigan, and arrived here for some hostile and illegal purpose; and that from the facts above stated I am apprehensive that he will do me some bodily harm, and I therefore prayed that he might be required to find sufficient sureties to keep the peace and be of good behaviour towards myself, and the deposition concluded in the usual form.

I then accompanied Mr. Woods to the goal, and there he read over the deposition to Hastings, and swore me to it in his presence. He did not deny the allegations. He has not been able to find sureties, and a warrant under Mr. Wood's hand and seal has been lodged against him in the gaoler's hands for want of sureties that he will appear at our next general quarter sessions, and will be of good behaviour, and will keep the peace towards all Her Majesty's subjects, and especially towards myself in the meanwhile.

With this information before his Excellency, I beg leave to inquire whether the prisoner is now to be discharged or not.

I have, &c.  
 (Signed) JOHN PRINCE.  
 The Hon. John Macaulay,  
 &c. &c. &c.

(Copy.)

No. 10.

DEAR SIR,

Government House, 9th February, 1839.

By his Excellency's direction I enclose you a letter from Colonel Prince, dated the 2nd instant, in which that gentleman states that he has withheld the letter to the sheriff directing the liberation of Hastings, while at the same time that individual has been informed against before a magistrate, and called on to give security for good behaviour, and for the keeping of the peace.

The withholding of the letter to the sheriff was an act, which under the peculiar circumstances of the case, was not anticipated; but a duplicate can, of course, be immediately forwarded to the sheriff.

The object of my present note is to request that you will report for his Excellency's information upon Colonel Prince's inquiry, "whether the prisoner is now to be discharged or not."

With reference to this question, I have to state that the sheriff has been directed to liberate Hastings, only so far as regards the sentence of the court of quarter sessions.

The order to the sheriff was sent under cover to Mr. Prince, for the purpose of ensuring him an opportunity of compelling the prisoner, before he could escape to Michigan, to give security for good behaviour; which object might have been effected without withholding the letter in the manner stated in Colonel Prince's communication.

To the Attorney-General,  
&c. &c. &c.

I am, &c.  
(Signed) JOHN MACAULAY.

(Copy.)

No. 11.

SIR,

Attorney-General's Office, Toronto, 9th Feb. 1839.

I HAVE the honour to acknowledge your letter of this day enclosing a communication from Colonel Prince, in which he informs you that he had detained the order sent to him addressed to the Sheriff of the western district, directing the liberation of Howland Hastings from imprisonment, so far as respects the sentence of the court of Quarter Sessions, until he should be informed whether it was intended that Hastings should be discharged, notwithstanding a warrant had been lodged for his detention until he found sureties to keep the peace upon grounds detailed in Col. Prince's letter, and requesting me to report for his Excellency's information, whether the prisoner is now to be discharged or not.

It is to be regretted, that Col. Prince withheld the letter which was placed in his hands directed to the Sheriff; had he delivered it he would have discovered that it was not the intention of his Excellency to interfere with the proceedings of the magistrates upon any other accusation than that for which he had been illegally indicted and convicted, and I am of opinion, that his Excellency should still limit his interference to that matter.

It appears to me, from the statement made by Col. Prince, that he was justified in making the affidavit he represents having made, and that the magistrate applied to, was right in requiring sureties for the peace from Hastings, and that those sureties may still be required of him before he is finally liberated. Notice being given to him to that effect, when the order of his Excellency for his discharge upon the conviction is communicated to him.

I have, &c.

(Signed) C. A. HAGERMAN, Attorney-General.

The Hon. John Macaulay, Civil Secretary,  
&c. &c. &c.

(Copy.)

No. 12.

SIR,

Government House, 12th February, 1839.

I HAVE had the honour to receive and lay before the Lieutenant-Governor your letter of the 2nd instant, in which you state the circumstances under which on the 17th instant, you made complaint to Mr. Woods, a Justice of the Peace for the western district, against Howland Hastings, and demanded that he should give security to keep the peace and be of good behaviour; and you proceed to enquire, before you deliver to the Sheriff the order for his discharge from custody, on account of the sentence of the court of Quarter Sessions, whether with this information under his notice, his Excellency will consent that "the prisoner be discharged or not."

In acknowledging this communication, I have in the first place, to express the concern with which his Excellency has learned that you have thought it necessary to withhold the letter for the Sheriff, directing the prisoner's discharge, which had been put under cover to you solely for the purpose of enabling you to learn the time, when the sentence of the court of Quarter Sessions (pronounced in opposition to law) upon Howland Hastings, would cease to have effect, for if you had caused that letter to be duly delivered to the Sheriff, you might have ascertained that the Lieutenant-Governor had no intention of interfering with the proceedings of the magistrates upon any other accusation against the prisoner, than that which was the ground of his being illegally convicted, and sentenced to six months imprisonment by the court of Quarter Sessions.

I am next directed to acquaint you, that his Excellency continues to adhere to the view which he was originally induced to take of the procedure in the case of Hastings, and that I have, in conformity to his Excellency's pleasure, sent to the Sheriff a duplicate of the letter, which you have retained in your possession.

The course taken on the complaint you made to the magistrates, of threats having been made by Hastings, that he would use violence against you, appears perfectly regular, and their worships will doubtless consider it their duty to demand the production by that person, of sufficient securities for his good conduct, before they will finally consent to his liberation.

I have, &c.

(Signed) J. MACAULAY.

John Prince, Esq.,  
&c. &c. &c.,  
Sandwich.

No. 5.

Sir George Arthur  
to Lord Glenelg.

18th February, 1839.

Enclosure in No. 5.



No. 5.

Sir George Arthur  
to Lord Glenelg.

18th February, 1839.

Enclosure in No. 5.

(Copy.)

SIR,

Having reason to believe that my original letter, dated 24th ult., has failed to reach you, I have now the honour to transmit you a duplicate, and to request that you will conform thereunto.

It appears that Howland Hastings has been subjected to another proceeding by a justice of the peace, on the information and complaint of Colonel Prince. It is therefore necessary that Hastings, when his discharge upon the conviction before the Quarter Sessions is communicated to him, should receive notice that he is still bound to furnish sureties for keeping the peace towards Colonel Prince and all other subjects, as the magistrates may lawfully require.

R. Lachlan, Esq. Sheriff,  
Western District, Sandwich.

No. 13.

Government House, 12th February, 1839.

I have, &c.,  
(Signed) C. J. MACAULAY.

(Copy.)

SIR,

No. 14.

Government House, 14th February, 1839.

WITH reference to my letter of 19th January last, addressed to your Excellency from Brantford, I have now the honour to state, that upon making inquiry into the proceedings of the court of Quarter Sessions of the western district, in the case of Howland Hastings, represented to be a citizen of the state of Michigan, who was convicted at Sandwich of an assault and battery committed at Detroit, and sentenced to imprisonment for the space of six months in the gaol at the former place, I became satisfied that those proceedings were unsupported by law, and immediately directed the Sheriff to discharge the prisoner.

It appears, however, that on the 17th ult. an information was laid by Colonel Prince against Hastings, for threatening, on several occasions, to take his life, and that the magistrate before whom this complaint was made, has directed that Hastings should remain in custody at Sandwich until he gives security for keeping the peace, and for his future good behaviour.

Upon this ground alone, therefore, I beg your Excellency to understand that Hastings is now detained at Sandwich; and I have no reason to suppose that he will be subjected to imprisonment for a moment after he shall have furnished that assurance of his future good behaviour which has been required of him by the magistrate.

Having thus given your Excellency a statement of the facts connected with the case of Hastings, I have to express the deep regret which I felt on discovering that the court of Quarter Sessions of the western district had so misunderstood and transcended its powers on this occasion; more especially since the individual whom they had improperly convicted is represented as being a foreigner, and a citizen of a country with which I am most solicitous that those relations of amity and confidence which long existed towards this colony, but which a recent unhappy course of events upon the frontier has greatly disturbed, should be fully and permanently re-established.

While I thus advert to the erroneous proceedings in the case of Hastings, I think it right to inform your Excellency that complaints have recently been transmitted to me by certain of Her Majesty's subjects resident in Upper Canada, who, while travelling in the prosecution of their private business in the United States, have been obliged to submit to judicial proceedings of a most irritating and vexatious character, founded generally, as it would appear, on political enmity towards the individuals thus aggrieved.

It is in my opinion most desirable that proceedings of this nature should cease; and it only remains for me to assure your Excellency that I shall always most cordially and readily unite with your Excellency and the constituted authorities of the other states bordering on this province, in endeavouring to restrain the violence, to protect the peaceable, and to enforce with impartiality and firmness those salutary rules of law and justice in which the happiness of individuals and the peace and welfare of nations must ever necessarily depend.

I have, &c.  
(Signed) GEO. ARTHUR.

His Excellency, Governor Mason, &c. &c. &c.

(Copy.)

SIR,

No. 15.

Government House, 15th February, 1839.

By his Excellency's command, I have the honour to transmit, for your information, a copy of the letter which his Excellency has addressed to Mr. Mason, the Governor of the state of Michigan, respecting the case of Howland Hastings, said to be a citizen of that state, who was recently sentenced to imprisonment by the Court of Quarter Sessions at Sandwich, on conviction for an assault and battery committed at Detroit, and from which sentence you have been directed to relieve him, by discharging him from the gaol, unless he should be detained on some other legal procedure.

Colonel Prince has reported to the Lieutenant-Governor that, on the 17th ultimo, he complained to Joseph Woods, Esq., that he was apprehensive of bodily injury from Howland Hastings, and demanded security for his good behaviour, which security had not,

at the latest date, been furnished; I am therefore directed to request that you will have the goodness to call upon Mr. Woods for a copy of the deposition upon which the mittimus for Hastings was founded, and transmit the same to me, with a copy of the mittimus, and a report upon the case, for his Excellency's information.

You will also have the goodness to report the amount for which Mr. Woods has demanded surety of the peace from the prisoner, and communicate to me what surety has been tendered, and whether Hastings still remains in your custody, or if not, when he was discharged.

R. Lachlan, Esq., Sheriff,  
Western District, Sandwich.

I have, &c.  
(Signed) J. MACAULAY.

No. 5.  
Sir George Arthur  
to Lord Glenelg.  
18th February, 1839.  
Enclosure in No. 5.

(Copy.)

No. 16.

Sir,

Government House, 15th February, 1839.

I AM commanded to request that you will have the goodness, as soon as may be practicable, to transmit me copies of the whole of the proceedings in the case of Howland Hastings, said to be a citizen of the state of Michigan, who was recently tried, convicted, and sentenced to imprisonment by the court of Quarter Sessions of the Western District, for an assault and battery committed at Detroit, and who has been relieved from the sentence of the court, on the ground of its illegality, by the Lieutenant-Governor's orders.

This report is required for his Excellency's information; and you will have the goodness to make it full and complete.

Charles Baby, Esq., Clerk of the Peace,  
Western District, Sandwich.

I have, &c.  
(Signed) J. MACAULAY.

(Copy.)

No. 17.

SIR,

Belleville, 23rd January, 1839.

I HAVE the honour to enclose, for the consideration of his Excellency the Lieutenant-Governor, the memorial of Peter O'Reilly, Esq., a magistrate of this district.

I am aware, personally, of most of the facts stated therein, and the affidavit and certificates annexed to the memorial from the magistrates of the county will, it is hoped, convince his Excellency that the arrest of Mr. O'Reilly arose wholly from political motives connected with the late unjust crusade against the British provinces by the frontier population of the United States; and there can be the less doubt of this, since this same person, Samuel D. Day, is one of the most notorious of the Sympathisers, and was one of the secretaries of the famous Syracuse sympathising meeting (held there during the last spring).

Mr. Bontre, who is a material witness for the Memorialist, has received several written threats, besides many verbal messages, of certain death, should he ever venture upon the American shores, and it is generally considered here that it would be extremely unsafe for either Mr. Bontre, Mr. O'Reilly, or any other person to appear there as a witness in the matter referred to in the memorial.

Mr. O'Reilly is extremely anxious to relieve his bail from any responsibility, but feels that it would be doing injustice to his numerous family to hazard his life, by attending according to the terms of his bond; and he feels confident that his Excellency will do all in his power to relieve him from the unpleasant situation in which he is placed. He intended to have waited personally upon his Excellency, to represent the matter, but, having the command of a company of militia at this place, it would be inconvenient for him to leave.

I have, &c.,  
(Signed) B. DOUGALL.

The Hon. John Macaulay,  
&c. &c. &c.

To his Excellency Sir George Arthur, K.C.H., Lieutenant-Governor of the Province of Upper Canada, Major-General commanding Her Majesty's forces therein, &c. &c. &c.

The Memorial of Peter O'Reilly, Esquire, one of Her Majesty's Justices of the Peace in and for the Midland District,

Humbly sheweth,

That your Memorialist had occasion to proceed from Montreal to New York in the month of October last; that in returning from New York to Upper Canada your Memorialist was arrested at the town of Syracuse, in the state of New York, whilst in a canal-boat, and about to proceed to Oswego from the said town of Syracuse, upon a warrant issued by one of the Justices of the Peace in and for the county of Onandaga by a peace officer of the said county:—that your Memorialist, upon being so arrested, inquired of the officer who arrested him the cause of the arrest, but was denied any information respecting such cause:—that your Memorialist was immediately taken before the Justice of the Peace, who granted the warrant for his arrest, and he was there informed that the warrant had been issued at the instance of one Samuel D. Day, whom the said Justice of the Peace sent for, and who soon after attended:—that



No. 5.

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your Memorialist requested of the said Justice to be informed of the charge against him, and was refused any information until the arrival of the said Samuel D. Day, when your Memorialist was informed both by the said Justice and the said Day that he, your Memorialist, had been arrested (without any information upon oath) upon a charge of a trespass committed at the town of Belleville, in this province; and that your Memorialist would be obliged to remain in the custody of the said peace officer for the space of twelve hours, for the purpose of allowing the said Day time to procure witnesses to substantiate the said charge.

That in the course of about four hours after, and before the twelve hours above-mentioned had expired, your Memorialist was arrested the second time, by the Sheriff of the said county of Onondaga upon a writ of *capias* in the court of Common Pleas of the said county, at the suit of the said Samuel D. Day, in a plea of trespass: that upon the last-mentioned arrest your Memorialist informed the Sheriff aforesaid, that he was already in custody upon a charge preferred by the said Day, and upon application to the said justice of the peace, your Memorialist was informed by him, that he had nothing more to do with your Memorialist; that the said Sheriff then required bail of your Memorialist in the sum of one thousand dollars; that your Memorialist being among strangers where he had never been before, was obliged to make inquiries for some person to whom he might be known for the purpose of procuring bail: that he accidentally found a labouring mechanic in the street, to whom your Memorialist had been personally known in this province, and who kindly procured several persons who offered to become bail for your Memorialist: that before any bail could be given, a great excitement prevailed in the said town of Syracuse, and your Memorialist was pointed out to the mob in the streets as a magistrate, and one of the tyrants of Upper Canada; and in consequence of the excitement and the threats held out against any person who should become bail for your Memorialist, the persons who had promised to become bail, declined doing so, stating at the same time that they could not consider themselves safe in case they should so far befriend your Memorialist: that your Memorialist being an Irishman by birth, appealed to his countrymen who were there at the time, and fortunately for your Memorialist did not appeal in vain, although it was with the greatest difficulty and entreaty, from the causes before mentioned, that any man of property sufficient could be procured by your Memorialist to hazard the censure and odium (for it was so represented there) of bailing an Upper Canadian Magistrate.

That your Memorialist, during the time he was so under arrest, applied to some of the attorneys of the said town for counsel without success, until by chance, one who had casually seen your Memorialist in Kingston offered his services as counsel for your Memorialist, and who, with two other persons at his instance, consented to bail your memorialist, and accordingly executed with him the bail-bond, a copy of which is hereto annexed, on the twentieth day of October last, late in the evening of the day on which your Memorialist was arrested by the said Sheriff.

That your Memorialist was charged verbally by the said Samuel D. Day with taking the furniture of the said Day in this province as a magistrate; that the said charge is wholly unfounded, as will appear by the affidavit of Captain J. Bontre (hereto also annexed), in whose house the said Day resided at the time he left Upper Canada.

That the said Captain Bontre is a material witness for your Memorialist in the said matter: but that your Memorialist has been informed and advised repeatedly, that it would be unsafe for either the said Captain Bontre or your Memorialist to appear at the said town of Syracuse upon the trial of the said cause, which will take place on the fourth Monday in February next.

That your Memorialist is extremely desirous to attend with witnesses at the said trial, lest his bail should suffer from his default.

Your Memorialist therefore humbly prays, that your Excellency will be pleased to grant your Memorialist and his witnesses a safe conduct to the town of Syracuse aforesaid, and to see that no injustice or violence shall be done to your Memorialist and his witnesses as British subjects; and should your Excellency not have it in your power to secure to your Memorialist and his witnesses the protection above prayed for, that your Excellency will be graciously pleased to indemnify your Memorialist from any damage he may sustain (through his bail aforesaid) in not attending the said trial, upon the ground of the utter insecurity of British subjects of this province in their intercourse with the United States of America.

Belleville, 23rd January, 1839.

(Signed) PETER O'REILLY.

(Copy.)

Midland District to wit.—Jacob Bontre, of the town of Belleville, in the Midland District, gentleman, maketh oath and saith, that in the month of December, in the year of our Lord one thousand eight hundred and thirty seven, Samuel D. Day, the person mentioned in the annexed petition, was a resident in Belleville or its vicinity, and rented from this deponent a large house in the town of Belleville aforesaid as an inn; that he kept the said inn about three months, when the disturbances broke out in this province; that the said Samuel D. Day is an American by birth, and favoured the disaffected in this part of the province at the time aforesaid; that this deponent, about the twenty-sixth day of February last, heard that the said Samuel D. Day was about to abscond with the furniture in the said house occupied by him, the said Day; that this deponent, upon being so informed, immediately called upon several of his neighbours, and among the rest Peter

O'Reilly, Esq., the Memorialist in the annexed memorial, named and requested them to accompany him to the inn of the said Day, for the purpose of expostulating with him against the course he was about to pursue; that the said Peter O'Reilly, with George N. Ridley, Esq., Billa Flint, Esq., and one or two others went accordingly with this deponent to the said inn, and one of the said persons, and only one, the said G. N. Ridley, Esq., did say to the said Day, that he would be acting very wrong to leave the house and dispose of the furniture; that after a little further conversation, all the said persons who accompanied this deponent as aforesaid left the house in a peaceable manner, and without in any manner molesting the said Samuel D. Day or his property; and that in the arrangement this deponent afterwards made with the said Day, the said Peter O'Reilly did not in any manner interfere; that this deponent has since understood that the said Peter O'Reilly was, in October last, arrested by the said Day, at the town of Syracuse, for a trespass alleged by him to have been committed at the time above described; that he, this deponent, would be a material witness for the said Peter O'Reilly, upon the trial of the said matter of trespass, should the same take place; but that from very frequent information from the opposite frontier of the United States, he, this deponent, considers it would be extremely unsafe for him to venture to go over there for the purpose of being a witness, or for any other purpose; and this deponent further saith that he verily believes that the said Day has no cause of action against the said Peter O'Reilly.

(Signed) JACOB BONTER.

Sworn before me, at Belleville, in the Midland District, the 23rd day of February, 1839.

(Signed) B. DOUGALL,  
Act. Com., &c.

We the undersigned magistrates of the county of Hastings, hereby certify that we are aware of the circumstances stated in the within affidavit; that we attended at the time mentioned therein, merely for the purpose of advising Mr. Day, the person mentioned therein, to settle amicably and justly with Mr. Bonter, the deponent, and to assure Mr. Day that he need apprehend no violence towards himself so long as he conducted himself properly; that no injustice was done to the said Day, and that we verily believe that the said Day has no cause of complaint against the said Peter O'Reilly, Esq.

Dated at Belville, the 23rd day of January, 1839.

(Signed) G. V. RIDLEY, J.P.  
BILLA, FLINT, JUN., J.P.

We the undersigned magistrates of the county of Hastings, in the Midland District, do hereby certify that we believe that the facts stated in the memorial hereto annexed, and in the within affidavit, are true, and that we have every reason to believe Samuel D. Day, within mentioned, has no just cause of complaint against Peter O'Reilly, Esq., the memorialist in the annexed memorial named.

(Signed) T. PARKER, J.P.  
A. MARSHALL, J.P.  
HENRY BALDWIN, J.P.  
F. M'ANNANY, J.P.  
BENJAMIN KETCHESON, J.P.  
D. M'KENZIE, J.P.  
JOHN ANDERSON, J.P.

Dated at Belleville, the 23rd January, 1839.

Know all Men, by these Presents, that we, Peter O'Reilly, Patrick Sheridan, Josph Leslie, and Darius A. Orcutt, are held and firmly bound to Elihu L. Phillipps, Sheriff of the county of Onondago, in the sum of 1000 dollars, to be paid to the said Elihu L. Phillipps, or his certain attorney, executors, administrators, or assigns, to the which payment well and truly to be made and done, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the 20th day of October, 1838.

Whereas Samuel D. Day hath sued out of the Court of Common Pleas of the county of Onondago, a certain writ of *capias ad respondendum* against the above-named Peter O'Reilly, defendant in a plea of trespass, returnable on the fourth Monday of November, A.D. 1838, before the Judges of the said Court of Common Pleas, by virtue of which said writ, the above-bounden Peter O'Reilly hath been arrested by the above named Sheriff. Now, therefore, the condition of this obligation is such that, if the above-bounden defendant shall appear in the action commenced by the said writ, by putting in special bail within twenty days after the said return day, specified in the said writ, and by perfecting such bail, if required according to the rules and practice of the said Court, then this obligation to be void, otherwise to remain in full force and virtue.

(Signed) PETER O'REILLY, L.S.  
P. SHERIDAN, L.S.  
JOS. LESLIE, L.S.  
D. A. ORCUTT, L.S.

Sealed in the presence of  
(Signed) H. SHELDON.

No. 5.  
Sir George Arthur  
to Lord Glenelg.  
18th February, 1839  
Enclosure in No. 5.



No. 5.

Sir George Arthur  
to Lord Glenelg.  
18th February, 1839.  
Enclosure in No. 5.

No. 18.

To his Excellency Sir GEORGE ARTHUR, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

THE Memorial of *John Duggan*, of the town of Hamilton, in the Gore District, Gentleman,

Humbly Showeth,

That your Memorialist, on his return from Buffalo, in the United States, to Hamilton, on the 28th of December last, was detained in Lewiston for two days, in consequence of the great quantities of ice in the river, which prevented him crossing. That on the day following (Sunday), while out walking, your Memorialist was dodged and followed by a person unknown to him, for some distance to the hotel, who seemed very desirous to quarrel, telling your Memorialist that he knew him well—that his name was Duggan—that he had dragged many innocent persons to gaol in Canada, and was always very officious during the rebellion; said your Memorialist would suffer for it yet; and said, while he was safe in Canada he should have remained there; said your Memorialist should be served like (Usher). Your Memorialist avoided, and left him; communicated the circumstance to his brother, Mr. George Duggan, and some other friends, who, from this and many other circumstances, (which it is scarce necessary to trouble your Excellency with,) were of opinion that violence was intended, and that every precaution should be taken: it being still impracticable to cross the river, he avoided observation as much as possible, and your Memorialist's brother remained up all night on the watch. Monday, the 23rd, immediately after breakfast, your Memorialist was arrested, and taken in custody of a person calling himself the Deputy Sheriff of the county, at the suit, as was alleged, of one George Robinson, on the charge of taking his property to the value of 200 dollars (said to be a horse). Your Memorialist fortunately obtained bail. A gentleman, who was a stranger to him, but being satisfied of his innocence, and of the intended villany of the prosecution, became bail, under the penalty of 400 dollars, for the appearance of your Memorialist at Albany. Mr. George Duggan endeavoured to cross the river, but there seemed a conspiracy to detain him also; he was told he could not be taken then; he offered three guineas (the price being fifteen-pence), which was refused, on pretext that it was not his turn. Many of the self-styled patriots were lurking about the place, whose appearance at once indicated the daring ruffian and the desperate criminal; added to which, there was a studied ferocity of appearance. Your Memorialist should inform your Excellency that he was prominently and actively engaged, previous to, during, and for some time after the attack on the rebels at Montgomery's, and had assisted in capturing very many of them; that he, as an officer of the Volunteer Cavalry, commanded by his brother, Mr. George Duggan, had charge of a detachment, and was, at the most notorious nests of treason, acting against the traitors at Lloyd Town, Hope, New Market, Pickering, and several other places; in consequence of which he became known to most of the rebels. Your Memorialist most respectfully begs leave to state, he has no doubt it was for the active and faithful discharge of his duty that he became the marked object on which those heartless traitors desired to exercise their vengeance. He submits, the arrest was made with the hope, by the unprincipled prosecutors, that your Memorialist would be unable to procure bail, and, whilst on his way to the gaol at Albany, at a convenient place he would be rescued from the not unwilling officer by those wretches, and be mobbed, or otherwise brutally treated; or perhaps, as was threatened, share the fate of the gallant but unfortunate Usher. This was also the opinion of your Memorialist's friends at the time, who advised him, in case he could not get bail, to go at once to gaol—the best way to escape the mob. Your Memorialist has employed two solicitors at Lewiston, and has left no steps untaken in order fully to defend the action.

Your Memorialist, conscious of the careful solicitude of the Government, relies with implicit confidence on its magnanimous protection, well assured that it has ever regarded with a watchful and jealous eye the liberties of its every subject, and has always been forward to protect them from wanton aggression.

Your Memorialist humbly and earnestly beseeches your Excellency to make a strict and full investigation into this outrage, and hopes that your Excellency may not allow an individual subject to be oppressed and persecuted by any power, foreign or domestic, on any pretext, especially when it was brought upon that subject solely because he was forward in defence of his country and faithful to his sovereign; and prays that he may be sheltered and protected as every subject expects who has done his duty. And your Memorialist, as in duty bound, will ever pray, &c.

(Signed) JOHN DUGGAN.

Hamilton, 27th January, 1839.

No. 6.

(No. 33.)

No. 6.  
 Sir George Arthur  
 to Lord Glenelg.  
 19th February, 1839.

EXTRACT of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR,  
 K.C.H., to Lord GLENELG.

Toronto, Upper Canada, 19th Feb., 1839.

\* \* \* \* \*

In a letter which I have received from Sir John Colborne, dated 12th instant, his Excellency expresses his concurrence in my view as to the disposal of the prisoners in the following words: "I should not hesitate to send back to the President, the minors to whom you advert in your letter. The Act of Clemency would be highly appreciated in the States generally."

Thus fortified, I really do feel it to be my duty to persevere in *the whole* course I had planned,—to punish with severity the worst offenders, and to show mercy so far as it can with prudence and justice be extended.

The measures of my government, as regards the late occurrences, have, I know, been well received by citizens the most influential in the state of New York. During the progress of events, they have concurred in very strong expressions condemnatory of the atrocious conduct of the brigands, and in considering the leaders as justly liable to the infliction of the severest penalties of the law.

The proclamations and other public papers of this government that have been promulgated in the States, have likewise been well received by the class of persons I refer to; and the expression of such feeling will be found in the accompanying extract of a letter from a wealthy and influential citizen of the state of New York, addressed to Mr. Adam Fergusson, who is, I believe, well-known to your Lordship.

No. 1.

It is to meet the expectations of this class of persons in the States, who, I fear, are greatly in the minority, that I am now desirous at once to give effect to an act of extraordinary clemency, and which will enable them more openly to exert themselves in the cause of peace, if they be sincerely disposed to profit by the opportunity.

I have enlarged upon these points, in order that your Lordship may entirely understand upon what principle I proceed in bringing (as I propose to do to-morrow) this important subject again before the Executive Council;—if the Council consider it most expedient, I shall not hesitate to refer again to Mr. Fox, though I think the benefit of the measure depends upon the promptitude of action in it.

In the recent instances where capital punishment has been inflicted on the brigands, sufficient evidence will have been furnished to the great mass of the American people, that we are not withheld by fear of their revenge from administering our laws; and, this established, it is but reasonable to hope that, at least, the reflecting portion of them would ascribe to the true motive the acts of clemency which is contemplated by this Government.

They must surely feel the force of this conviction, even should the proposed appeal to the better feelings of their nature, fail to produce, to the full extent, the effect so earnestly to be desired.

The information which I continue to receive of the present state of feeling in the United States, in respect to Canada, is of a conflicting character; and where so much is veiled in mystery, it is, of course, difficult to arrive at correct conclusions.

While on the one hand, Mr. Fox, on whose opinion I set the highest value, informs me that, as far as he can judge, there is now less reason to apprehend a repetition of acts of violence against Canada, than at any former period since the alarm began; on the other, I learn from various sources, more or less authentic, that measures of aggression are far from being abandoned, and have been alone delayed from the difficulties the "patriots" encounter in working out their plans. This much appears certain; that many of the leading rebels from this side have held a long consultation with Papineau, the result of which has been the departure of the latter for France; and of the former for Rochester, on the American frontier where many of them are now assembled.

Far from being suppressed, the "Hunters Lodges" are extending; and if the American Government cannot soon put them down, they are likely to prove very influential in all future elections, and may thereby force their government into hostility with us.



No. 6.  
Sir George Arthur  
to Lord Glenelg.  
19th February, 1839.

Under these circumstances I concur with Mr. Fox, that it is far more to our own state of armed preparation, than to any better feeling on the part of the frontier American citizens, that this country owes its present tranquillity; and I am no less convinced, that at this time, any considerable relaxation in our measures of defence, would prove the signal for a fresh crusade against us.

That the punishment inflicted on the pirates has stricken with terror those of their guilty associates who were preparing to follow up their invasions, there can I think, be but little doubt; but I fear that a revengeful feeling has also been engendered, which will long rankle in their bosoms, and keep us in a state of harassing excitement for some time to come. Your Lordship knows the American character well; the national vanity is unbounded; and the people having now been foiled in a supposed lucrative, and certainly most popular enterprise, we cannot be surprised if their disappointed pride and cupidity be succeeded by bad feeling.

What, under such circumstances, may be the real views and intentions of the American Government, it is, in truth, most difficult to divine. In the opinions which I have expressed to your Lordship on this subject, in my former despatches, there must appear discrepancies: occasionally, it has seemed to me that such extreme proceedings could never have progressed to such a head without the tacit concurrence of the authorities of the highest grade; while, at other times, on the contrary, the conduct of the regular military officers of the Republic has encouraged me to confide in the sincere determination of the Government to maintain, as far as they can, the peaceful relations of the two countries.

Probably, the most correct inference to be drawn is, that the American Government will resist the torrent, so long as they are able, with the view to avert the consequences of a national war; and will afterwards adapt themselves to circumstances, should their efforts to maintain their national obligations endanger seriously their own political influence. This affords another ground for making the President a free gift of the younger prisoners.

One extraordinary feature characterizing the present state of feeling as compared with former times, is the eagerness of the frontier population of the States to contribute, by money and other means of assistance, to the success of the invaders of our territory; whereas, during the last national war, it is notorious, that the militia of the States could be brought with difficulty to act against her Majesty's subjects, with whom they had been on terms of friendly intercourse.

Copy.]

Enclosure in No. 6.

ADAM FERGUSSON, Esq., to the Hon. JOHN MACAULAY.

Enclosure in No. 6.

DEAR SIR,

Woodhill, Nelson, P. O., February 18th, 1839.

PERHAPS the enclosed portion of a letter may be gratifying to his Excellency, as exhibiting the view taken of his administration by the respectable class of citizens in the States. My correspondent, Mr. Duncan, is a Scotch gentleman, long naturalized in New York State. He is a man of excellent sense and liberal education, and possessed of much wealth and influence.

I may add that he is a most particular friend of Mr. Greig, with whom Sir George Arthur is well acquainted.

I remain, &c.

(Signed)

ADAM FERGUSSON.

The Hon. John Macaulay,  
&c. &c. &c.

Extract from a Letter addressed to ADAM FERGUSSON, Esq., by Mr. DUNCAN.

Alton, N. Y., January 3rd, 1839.

I HAVE delayed writing in answer to your last favour, simply because I was uncertain what was going to be the result of recent matters. I think now that we may consider the matter as ended, and that the good people on this side have at last come to their senses. There may still be a few who would gladly cause more troubles; but the public opinion, as expressed through the press, and at recent public meetings in Jefferson county, at Oswego, and at other places, will hereafter prevent much being done, in connexion with the vigilance of the authorities, civil and military, on both frontiers, and must serve to reassure your Government

and people that this country is sincere in its desire to avoid all causes of disagreement between the countries. It has been a most disgraceful business, and its consequences, to many, have been sad indeed; and I only regret that they cannot be visited on the heads of the prime movers and instigators, as they have been, we all here admit, *most justly*, on many who were more the *strings pulled* than the *string-pullers*. Sir George Arthur has, through the whole affair, conducted himself most admirably, carefully avoiding compromising the dignity and character of his Government, and at the same time avoiding an unnecessary rupture with this country. Few men could have gone through, with so much credit to himself and his country, the delicate, and often irksome, situations he must have been placed in.

We are all here alive on the subject of immense defalcations by some public functionaries.

\* \* \* \* \*

No. 6.  
Sir George Arthur  
to Lord Glenelg.  
19th February, 1839.  
Enclosure in No. 6.

(No. 42.)

No. 7.

COPY of a DESPATCH from Lieutenant Governor Sir GEORGE ARTHUR,  
K.C.H., to Lord GLENELG.

MY LORD, Upper Canada, Toronto, 27th February, 1839.

I HAVE the honour to transmit to your Lordship a copy of the speech with which the legislature was this day opened.

Your Lordship will perceive that I have much exceeded the bounds ordinarily observed on such occasions; but, after much consideration in the Executive Council, it was the unanimous opinion that a detailed narrative of past events, and of the present state of the country, ought to be formally laid before the legislature.

It is just one of those cases which admit of two opinions. Her Majesty's Government will, I trust, approve of the one which I have adopted.

I have reflected much upon the subject, and incline to believe that the statements given in the speech may have a beneficial effect in the States, though I doubt much whether anything will now change the desire which is so strongly entertained amongst considerable bodies of people on the frontier to keep alive the "Patriot" cause, and "Hunters' Lodges."

I have, &c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

No. 7.  
Sir George Arthur  
to Lord Glenelg.  
27th February, 1839.

Enclosure in No. 7.

Sir GEO. ARTHUR'S Speech to the Legislature of Upper Canada.

Toronto, Wednesday, 27th February, 1839.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly,

The internal tranquillity of the province, and the present security of its frontier, enable me, after a recess of unusual length, to meet you in Provincial Parliament. The postponement of the present session has been induced by the pressing and paramount duties in which many of you have been engaged, connected with the public defence and the administration of justice. But we have now an opportunity to turn our attention to devising measures for the peace, welfare, and good government of the colony, free from the paralyzing suspicion of internal treachery, or the exasperating influence of foreign aggressions; and upon this happy result of the zeal, constancy, and bravery of the loyal Upper Canadian people, under the most trying circumstances, I offer you my hearty congratulations.

The situation of the province is so novel and peculiar, that I feel called upon to exceed the ordinary limits of a speech at the opening of Parliament, in order to review the recent occurrences, and to trace effects to their causes, as a guide to present and future legislation.

England, at peace with all the world, and relying implicitly, not only on the loyalty of her North American subjects, but on the faith of treaties, and the existence of most friendly relations with the United States, had gradually withdrawn most of her troops from this continent.

Encouraged by this absence of military power, the discontented in Lower Canada, after a long and vexatious parliamentary opposition, and an obstinate rejection of every conciliatory effort on the part of the Government, at last broke out into open rebellion; and incited by their example, the disaffected in this province, confidently relying on assistance from the neighbouring frontier, and secure, in the event of failure, of finding an asylum there, made a sudden attempt to overthrow this Government, and to sever the Canadas from the parent state.

Enclosure in No. 7.



No. 7.  
Sir George Arthur  
to Lord Glenelg.  
27th February, 1839.

Enclosure in No. 7.

The hopes of the disaffected in both provinces, however, met with signal disappointment; and in Upper Canada particularly, the militia were found, not only equal to the immediate suppression of insurrection, but a portion of its force, from the eastern district, was enabled to march into Lower Canada, to assist in overawing the disposition to revolt which still existed there.

Such would have been the end of rebellion in Upper Canada, had not the disaffection, which grew originally out of the hope of foreign interference, continued to receive life and support from the same source. The repose gained was of short continuance, for no sooner had some of the leading traitors escaped across the boundary, than they associated themselves with a number of the border population, robbed the public arsenals there, and made several audacious, but signally unsuccessful attempts, to invade and make a lodgment on British territory.

The authorities of the United States, having had ample time to suppress these outrages, our militia were gradually withdrawn from the frontier, and were in the course of being disbanded, when it was discovered that a body of foreigners and traitors had secretly introduced themselves into the province, from the states of New York and Michigan. Some of their emissaries were despatched into the London District, while others hoped successfully to raise the standard of rebellion in the Niagara District; but the attempt was suppressed in the bud; the militia of the surrounding country at once rushed to arms, and captured such of the banditti as did not succeed in making good their flight to the American shore.

The wanton and violent destruction of a British steam-boat within American waters, by a gang of ruffians from the main land of the United States, previously showed that the feeling of hostility had not abated on the frontier; and circumstances attended that outrage which indicated that it proceeded from an organized body of enemies. This suspicion was immediately afterwards strengthened by information, taken upon oath, detailing the secret signs, organization, and intentions of the society of Patriot Hunters; and the confessions and declarations of the captive foreigners and traitors, who were taken in the Niagara District, corroborated this intelligence.

But, notwithstanding the reasons I had for placing confidence in this information, the secrecy observed by the conspirators, the extreme wickedness and rashness of the proposed measure, the silence of the frontier press, before so clamorous, and the quiet of the frontier towns, at one time so agitated, were well calculated to cause the numbers and resources of the conspirators to be underrated, and to induce a belief that the presumptuous project of invading Canada would not be attempted.

After a short while, however, further proof was given that a conspiracy was actually organized, and that the combination extended along the whole line of the frontier, from east to west. I thought, however, that the accounts brought to me must be exaggerated, and that the parties named as being accomplices could never have so far compromised their characters as to have countenanced such a scheme; and, though silently proceeding to make some essential preparations for defence, I still did not entirely rely upon the statements which were at that time made to the Government.

But as the information I continued to receive become more minute, and proceeded from various quarters, I could no longer doubt that the confederacy comprised a body of many thousand persons, whose numbers and resources were daily increasing; and what constituted the most revolting and alarming feature of this odious transaction was, the positive declaration that many persons of wealth, and not a few public functionaries in the frontier cities and towns, had intimately connected themselves with this criminal alliance.

As the crisis drew nearer, strangers, without ostensible business, and under various pretences, were discovered to be scattered through the province. It was ascertained that constant intercourse was kept up between the lodges of conspirators in the United States and their adherents in Canada. The hopes of the disaffected appeared suddenly to revive. The intelligence from various quarters conveyed to this Government became more definite, showing the immediate intention of the enemy to be the destruction of the British steam-boats, and the seizing, by surprise and simultaneously, several posts within the Canadian boundaries, where the disloyal might rally around the invaders assembled in arms, and procure reinforcements and supplies from the United States, without the risk of any collision with the American authorities. An insurrection in the Lower Province was to be the signal for hostilities all along the line.

Under these circumstances I took decisive measures to give immediate confidence to the country, and to ensure the security of the province: and in now meeting you, although I deeply deplore that Her Majesty's faithful subjects have been exposed to the greatest privations and hardships, and to the severest domestic injuries, I nevertheless enjoy the satisfaction of believing that, owing to our state of preparation at every point, the loss of valuable lives has been limited, the moral character of the people of Upper Canada strikingly exhibited, and a spirit roused throughout the province that will long survive passing events, and greatly tend to the future strength, security, and tranquillity of the country.

After all the preparations that were so many months in progress, and after the expenditure of such large sums of money, voluntarily contributed, as are generally given reluctantly even for national objects, the conspirators and revolutionists were so entirely overawed as to have limited their operations to one attack upon our frontier, near Prescott, and to another in the vicinity of Sandwich. Not a subject of Her Majesty joined them after their landing; in both attempts they were signally defeated; and the result was the destruction or capture of nearly the whole of the banditti.

In alluding to these events, it is impossible for me to praise too highly the gallantry of the militia, the fidelity and prompt services of the Indian warriors, and the patriotism of a vast majority of the inhabitants of this province, who have conspicuously vied with each other in the manifestation of a devoted attachment to our most gracious Sovereign, of an enthusiastic affection for their country, and of deep regard for their revered constitution.

Our great security against dangers resulting from a combination between the disaffected in the province, and their confederates among the population of the contiguous country, consists in our happy union with the British empire. The main foundation of the hopes of discontented persons in this province, and of their foreign supporters, has been a mischievous notion industriously propagated, that England would desert her transatlantic possessions in their hour of difficulty and danger; that whenever the machinations of internal traitors, or threats of external hostility, might render the protection of these colonies burthensome, the assistance of the mother country would be withdrawn, and their loyal inhabitants left alone to support a most unequal conflict. This false and pernicious opinion has given encouragement to treason—influenced the conduct of the wavering—excited the apprehensions of the timid—and even put to a severe test the constancy of the loyal and resolute. It has turned the tide of immigration from our shores—transferred the overflowings of British capital into other channels—impaired public credit—depreciated the value of every description of property—and, in a word, has been the prolific source of almost all our public calamities.

Recent events, however, have clearly demonstrated that the fidelity of the mass of the people of this province is not to be shaken by the severest trials. Experience has also proved that, under all circumstances, you may confidently rely on the fostering care of the British empire; and I have been directed by Her Majesty to convey to you the most positive assurances of her continued protection and support.

At the same time I do not wish to inspire you with a belief, which I am very far from entertaining, that the dangers with which we have been threatened are at an end. The hopes of our enemies have certainly been greatly humbled, and their schemes disconcerted, by the failure of their repeated attempts to seduce the Queen's subjects from their allegiance, and thus to overrun the country; but all the motives in which these attempts originated,—the love of plunder, an avidity to seize our fertile lands, and an impatient desire to extend republican institutions,—continue to operate with unabated force; while, unhappily, new and deeper passions have since been superadded. That men agitated with such feelings will remain quiet longer than they are constrained by fear, is not to be expected; and, whilst I most sincerely desire conciliation, and conjure you to promote it by every honourable means, I do not hesitate to assert, on the sure ground of experience, that upon our own ability to repel and punish hostile aggression, we must henceforth chiefly depend. Among the considerations arising from this impression, I deem it advisable to invite your early and most serious attention to such amendments in our Militia Laws as shall place this force upon the best possible footing—efficient, but not burdensome, either to the Government or to the people.

One of my principal and most arduous duties has been the disposal of the numerous criminals who have fallen into the hands of justice. With respect to such of the Queen's subjects as were concerned in the civil commotions during last winter, Her Majesty's Government have uniformly desired a merciful administration of the law. In the punishment of the invaders of the province, I have acted upon the same principle, and have anxiously endeavoured to confine capital punishment within the narrowest limits which a due regard to the public welfare and security would admit. But the reiteration of unprovoked injuries called for increased firmness in the administration of justice, and forced upon me the painful necessity of making some severe examples.

The case of Her Majesty's subjects who have suffered in their persons or property, claims your early attention. The wanton destruction of the steam-boat "Sir Robert Peel"—the pillage of the farms on Pointe au Pelé Island and the River St. Clair—the robberies at the Short Hills—the damage done at Prescott and Sandwich, with the burning of the "Thames" steamer, form together an aggregate of extensive loss, most serious to the sufferers, and have occasioned earnest application for relief.

It gives me the greatest pleasure to inform you that Her Majesty has been most graciously pleased to extend to the wounded officers, non-commissioned officers, and men, of the Provincial Militia, in arms since the insurrection last winter, the same liberal provision as is granted to Her Majesty's regular land and naval forces; and to make a similar beneficent provision for the widows of those officers in the provincial corps who may have fallen in action.

The strongly-excited feelings to which the long-agitated question of the Clergy Reserves, has given rise in the province, have sensibly impaired that social harmony which may be classed among the first of national blessings, and have augmented the hopes of the enemies of the country, in proportion as they have created divisions among its defenders. It is painful to reflect, that a provision, piously and munificently set apart for the maintenance of religious worship, should have become the cause of discord among professors of the same faith, and servants of the same Divine Master; and I feel that, on every account, the settlement of this vitally important question ought not to be longer delayed: I therefore earnestly exhort you to consider how this desirable object may be attained—and I confidently hope, that if the claims of contending parties be advanced, as I trust they will, in a spirit of moderation and Christian charity, the adjustment of them by you will not prove insuperably difficult. But should all your efforts for the purpose unhappily fail, it will then only remain for you to re-invest these Reserves in the hands of the Crown, and to refer the appropriation of them to the Imperial Parliament, as a tribunal free from those local influences and excitements which may operate too powerfully here. My ardent desire is, that keeping in view, as closely as you can, the true

No. 7.  
Sir George Arthur  
to Lord Glenelg.  
27th February, 1839.  
Enclosure in No. 7.



No. 7.  
 Sir George Arthur  
 to Lord Glenelg.  
 27th February, 1839.  
 Enclosure in No. 7.

spirit of the object for which these lands were originally set apart, this embarrassing question may be settled on equitable principles, in a manner satisfactory to the community at large, and conducive to the diffusion of religion and true piety throughout the province.

Second only in importance to the subject of the Clergy Reserves, is that of General Education. A system of sound and religious instruction for the rising generation, ought to be established under every Government, and is most particularly requisite in a young country in the situation of this province. I therefore strongly recommend to you a careful revision of the enactments relating to the Common Schools; and the early adoption of some plan calculated to secure the assistance of properly qualified teachers.

Gentlemen of the House of Assembly :

I am commanded by Her Majesty's Government, again to bring under your consideration the surrender, to your disposal, of the Casual and Territorial Revenues of the Crown; and I shall take an early opportunity to submit to you the conditions annexed to this offer, in the confident expectation, that the liberal intentions of Her Most Gracious Majesty will be duly appreciated by you, and that a satisfactory arrangement of this important subject will speedily be accomplished.

With much regret I inform you, that, in addition to the large sums disbursed by Her Majesty's Government, in the protection and defence of this colony, the late events have also burdened the provincial revenue with a very considerable extraordinary expenditure, not contemplated or provided for by the Legislature.

The capture, detention, trial and punishment, of state criminals, have been a principal source of this extraordinary outlay; and you will find, from the accounts which will be presented to you, that the sum you appropriated in the last Session to these purposes, has been greatly exceeded.

The expense of transporting convicts to Quebec and England, on the way to their ultimate destination, forms also a heavy item in the charge attending the administration of justice; and I fear it must be further swelled to a large extent, in consequence of there being a number of convicts, under sentence of death, to whom the only relaxation of capital punishment, compatible with the safety of the province, seems to be transportation to a penal colony.

I have likewise been obliged to expend considerable sums in procuring accurate information of the designs of the conspirators in the adjacent States, as well as of their confederates within the province: and in supporting a frequent and rapid communication with Her Majesty's Government at home, and Her Minister at Washington.

In the confidence of your sanction being most readily given to these necessary disbursements, I have assumed the responsibility of advancing, from the crown revenue, the amount of the most pressing demands under these heads of service; and a statement of those advances, together with the public accounts and estimates, shall immediately be laid before you.

I have applied myself most sedulously to the examination and settlement of the numerous and pressing claims arising out of the late disturbances. Such of them as I was authorised to satisfy from the military chest, have been discharged, or are in course of settlement, through Her Majesty's Commissariat; but their remain others, grounded on equitable considerations, the payment of which must necessarily depend upon your justice and liberality: and I shall accordingly direct a particular account of them to be laid before you.

The representations of the great inconvenience attending the negotiation in this market of the public debentures payable in London were so strong, that I was induced to discontinue the practice entirely, until you should have an opportunity of taking the subject under your deliberation.

Their negotiation in England has been latterly impeded by the blow which recent disturbances had inflicted on the public credit of the province, and was afterwards rendered impracticable by the circumstance, that the terms upon which the sale of those debentures was authorised by Parliament, were less favourable to the purchaser than could be obtained by an investment of his capital in other securities.

You will be gratified to learn, that notwithstanding the interruption to which the trade of the country has been exposed, there has been no falling off of the commercial revenue collected in the Lower Province; that a portion of the money placed in the hands of Messrs. Thomas Wilson and Company, of London, has been paid, and that there is reason to believe that the remainder will shortly be received.

You will receive reports upon the state of the public works in progress; and I shall be most happy to co-operate with you in any wise and practicable measures for their completion.

The large sums heretofore granted for the improvement of the roads, do not appear to have produced results commensurate with the expenditure; and it is accordingly worthy of your serious consideration, whether some more efficient system may not be contrived for the management and direction of this branch of the public service. I need hardly add, that the formation of good roads is an object of primary importance in every country, and most indispensably necessary in an agricultural one.

Her Majesty's Government look forward with much anxiety to the resumption of cash payments by the chartered banks. I am induced to hope that no difficulty will present itself to the early accomplishment of this essential object.

Honourable Gentlemen and Gentlemen :

THE several addresses to Her Majesty from the two Houses of Parliament, during the last session, having been laid at the foot of the Throne by Her Majesty's Principal Secretary of State for the Colonies, were very graciously received; and I shall, without loss of time, transmit to you the answers which have respectively been returned to them.

I have, to a limited extent, exercised the power vested in me by the suspension of the *Habeas Corpus* Act. In doing so, I have proceeded with the greatest caution, and with a sincere desire, that no restraint might be imposed on personal liberty, which the public safety did not imperatively demand.

The progress which this beautiful country seems destined to make in population and wealth, has been materially obstructed by the difficulties and dangers with which it has, for some time past, been surrounded.

By the goodness of an over-ruling Providence, those dangers, have, however, in a great degree been averted; and I humbly hope that the same Almighty arm which has hitherto protected us, will soon place Upper Canada in such a state of tranquillity and security, as will permit the full development of her vast natural resources.

To accelerate the arrival of that period, and in cordial conjunction with you to promote, by wise and salutary legislation, the prosperity and happiness of this interesting colony, will be the object of my earnest desire, and unceasing exertions.

No. 7.  
Sir George Arthur  
to Lord Glenelg.  
27th February, 1839.  
Enclosure in No. 7.

(No. 47.)

No. 8.

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H.,  
to Lord GLENELG.

MY LORD,

Upper Canada, Toronto, 2nd March, 1839.

IN my Despatch to your Lordship, No. 32, of the 15th ultimo, reporting the case of an individual named Howland Hastings, who had been illegally prosecuted in one of the courts of this province, for an assault committed by him upon a British subject, in the city of Detroit; I expressed my hope that the full explanations relative to the proceeding, which I had afforded to the American authorities, would prove satisfactory to them.

By the accompanying copy of a letter which has been addressed to me by Governor Mason, in reply to my late communication to him, your Lordship will perceive that I have not been disappointed in this expectation; and it is gratifying to me to find, that an affair, in which the court of Quarter Sessions were so clearly in the wrong, has thus terminated.

I have, &c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed)

GEO. ARTHUR.

No. 8.  
Sir George Arthur  
to Lord Glenelg.  
2nd March, 1839.

(Copy)

Enclosure in No. 8.

SIR,

Executive Department, Detroit, 20th February, 1839.

I HAVE the honour to acknowledge your letter of the 14th instant, and express my gratification at the decision given in the case of Howland Hastings.

Permit me to say how fully I appreciate the sentiments of your communications, and to assure your Excellency, that I feel they are duly appreciated by the government and authorities of the United States.

I have, &c.

His Excellency Sir George Arthur, Lieut.-Governor,  
&c. &c. &c.

(Signed) S. T. MASON.

Enclosure in No. 6.

(No. 49.)

No. 9.

EXTRACT of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR,  
K.C. H., to Lord GLENELG.

Upper Canada, Toronto, 5th March, 1839.

REFERRING to my despatches to your Lordship of the 5th and 19th ult., Nos. 12 and 33, I have the honour to enclose herewith a copy of a Minute of the Executive Council, respecting certain prisoners engaged in the disturbances last year, who have been confined under commuted sentences in the provincial penitentiary.

I thought the time had arrived when mercy might be extended; and it has given me much pleasure to find that the Council, under all considerations, could recommend the prisoners whose names are inserted in the accompanying minute.

I have acted on the recommendation of the Council in the present cases; and hope that I shall be able gradually to diminish the number of prisoners, without occasioning any excitement among the loyal portion of the community.

No. 9.  
Sir George Arthur  
to Lord Glenelg.  
5th March, 1839.



No. 9.  
Sir George Arthur  
to Lord Glenelg.  
5th March, 1839.  
Enclosure in No. 9.

(Copy Extract.)

Enclosure in No. 9.

Executive Council Chamber, at Toronto, Thursday, 28th February, 1839. Present.—The Honourable Robert Baldwin Sullivan, Presiding Councillor; the Honourable William Allen, the Honourable Richard Alexander Tucker.

To His Excellency Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

\* \* \* \* \*  
THE Executive Council, according to your Excellency's command, have considered your Excellency's minute respecting certain state prisoners, confined in the Penitentiary under commuted sentences.

The following convicts are now undergoing imprisonment, for their share in the original insurrection in December, 1837. Since their sentence the Government has mercifully considered the cases of some prisoners, sentenced to a greater degree of punishment,—and further offences have offered many more guilty persons, as objects for penalty.

The Council are therefore respectfully of opinion, that the time is come, when the cases now before them may receive lenient consideration, and the pardon of the undernamed prisoners, is respectfully recommended upon the usual security for keeping the peace, and being of good behaviour for three years, namely:—

- |                     |                        |
|---------------------|------------------------|
| 1. Colin Scott.     | 6. George Barclay.     |
| 2. John Rummerfelt. | 7. Luther Elton.       |
| 3. Francis Robbins. | 8. Edward Carman.      |
| 4. George Lamb.     | 9. George Buck.        |
| 5. John Robinson.   | 10. Murdock McPhadden. |

The prisoners George Buck and Murdock McPhadden, found guilty of being concerned in the Short Hills' incursion, the Council are of opinion, may now be released. The age of the prisoners is stated at 18 years, and George Buck was recommended to mercy. The principal ground for the discharge of these prisoners is, that numbers of much more guilty persons have since been taken, and remain to be disposed of, and some of maturer years and judgment have been pardoned.

The Council beg to remark, that Erastus Warner, and John W. Brown were ordered to the Penitentiary, the former for fourteen, and the latter for three years; but their names do not appear in the warden's return. Warner, a short time since, was reported as being at Fort Henry, but the Council are unable to say for what reason. John W. Brown, according to the principles now laid down, may, in the opinion of the Council, be pardoned.

Erastus Warner, having been proved to have been actually concerned in the robbery at Overholt's, ought, in the respectful opinion of the Council, to be transmitted to the Penitentiary, to undergo the punishment awarded.

All which is respectfully submitted.

I have, &c.

(Signed)

R. B. SULLIVAN, P. C.

(Signed)

G. A.

Care should be taken for the immediate removal of Warner to the Penitentiary.

(Signed)

G. A.

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#### No. 10.

(No. 53.) COPY of a DESPATCH from Lieutenant Governor Sir GEORGE ARTHUR, K.C.H., to Lord GLENELG.

MY LORD,

Toronto, 8th March 1839.

I HAVE the honour to transmit to your Lordship copies of the addresses which have been presented to me by the two branches of the Provincial Legislature, in reply to my speech on the occasion of opening the present session; and they are accompanied by copies of the answers which I have made to them respectively.

I have, &c.,

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

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Enclosure 1 in No. 10.

ADDRESS from the LEGISLATIVE COUNCIL to Sir G. ARTHUR, 5th March 1839.

To his Excellency Sir GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's most dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, embrace this first opportunity to congratulate

No. 10.  
Sir George Arthur  
to Lord Glenelg.  
8th March, 1839.

Encl 1 in No. 10.

your Excellency upon your arrival in the colony, intrusted by our most gracious Sovereign with the administration of the government.

We return our most respectful thanks for your Excellency's speech from the throne at the opening of the present session; and we are pleased to learn that the internal tranquillity of the province and the present security of its frontier have enabled your Excellency, after a recess of unusual length, to meet the Provincial Parliament.

We are sensible that the postponement of the present session has been induced by the pressing and paramount duties in which many of the members of the Legislature have been engaged, connected with the public defence and the administration of justice. And we rejoice that we have now an opportunity to turn our attention to devising measures for the peace, welfare, and good government of the colony, free from the paralysing suspicion of internal treachery or the exasperating influence of foreign aggressions. And we receive, with feelings of inexpressible satisfaction, your Excellency's hearty congratulations upon this happy result of the zeal, constancy, and bravery of the loyal Upper Canadian people under the most trying circumstances.

We have heard with deep and attentive interest the important and minute description which your Excellency has been pleased to communicate, of the origin and progress of the disaffection in both provinces, and of the unexampled interference and aggressions on the part of the people of the neighbouring states; and we cannot but ascribe our safety from the machinations of our enemies to the decisive measures of your Excellency, which gave immediate confidence to the country, and insured the security of the province.

We deplore, with your Excellency, that Her Majesty's faithful subjects have been exposed to the greatest privations and hardships, and to the severest domestic injuries. We nevertheless enjoy satisfaction in believing that, owing to our state of preparation at every point, the loss of valuable lives has been limited, the moral character of the people of Upper Canada strikingly exhibited, and a spirit roused throughout the province that will long survive passing events, and greatly tend to the future strength, security, and peace of the country.

We concur with your Excellency that it is impossible to praise too highly the gallantry of the militia, the fidelity and prompt services of the Indian warriors, and the patriotism of a vast majority of the inhabitants of this province, who have, as heretofore, conspicuously vied with each other in the manifestation of devoted attachment to our most gracious Sovereign and to the constitution of our beloved country.

We think, with your Excellency, that there is too much reason to fear that the dangers with which we have been threatened are not at an end; for, although the hopes of our enemies have been greatly humbled and their schemes disconcerted by the failure of their repeated attempts to seduce the Queen's subjects from their allegiance, and thus to overrun the country; yet, as the object of plunder and a ceaseless desire to extend republican institutions continue to operate with unabated force, we can have no assurance that men actuated by such feelings will remain quiet longer than they are constrained by fear.

We agree with your Excellency that our great security against these dangers is to be found in the intimate connexion of this province with the British empire; and we cannot too strongly condemn the false and pernicious doctrine, industriously propagated, that England would abandon her transatlantic colonies in their hour of difficulty and danger.

We are confident that the many public evils which have arisen from mistrust in the permanency of British institutions in these colonies will find a speedy remedy in the promptitude with which military aid has been afforded by Her Majesty's Government when danger to the province was made known, and in the unshaken fidelity of the great mass of the Upper Canadian people; and we feel truly grateful for the additional prospect of future security and prosperity which arises from the gracious assurances of our beloved Sovereign, conveyed through your Excellency, of Her Majesty's continued protection and support to Her Majesty's Upper Canadian people.

We concur most fully with your Excellency in seeing the necessity of having the means always at hand to repel and punish hostile aggression, and for the purpose of enabling the loyal people of the province to be at all times ready to aid in the public defence. We shall cheerfully concur in any measures for the improvement of the law relating to the militia, which will tend to place that force upon the best possible footing, so as to render it constantly and promptly efficient, but not burdensome either to the Government or the people.

We strongly participate in the feelings with which your Excellency has discharged the arduous duty which devolved upon you, in the disposal of the numerous criminals who have fallen into the hands of justice; and we are perfectly satisfied that the law has been administered under the direction of Her Majesty's Government, and of your Excellency, with an anxious regard for the public safety, and the legitimate ends of punishment, and, at the same time, with distinguished mercy, forbearance, and humanity.

We deeply lament the damages suffered by Her Majesty's subjects through the violence and rapacity of the lawless population of a neighbouring country. We regret that these together form an aggregate of extensive loss most serious to the sufferers, and occasion many urgent claims for redress; and we shall, without loss of time, give the subject our deliberate attention, with a view of obtaining for the sufferers early compensation, and in the hope that the wrongs done to Her Majesty's subjects in this province will speedily claim the just and humane consideration of Her Majesty's Government.

It gives us great pleasure to learn from your Excellency that Her Majesty has been most graciously pleased to extend to the wounded officers, non-commissioned officers, and men of the provincial Militia, in arms since the insurrection last winter, the same liberal provision as is granted to Her Majesty's regular land and naval forces; and to make a similar beneficent

No. 10.  
Sir George Arthur  
to Lord Glenelg.  
8th March, 1839.  
Encl. 1 in No. 10.



No. 10.  
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8th March, 1839.  
Encl. 1 in No. 10.

provision for the widows of those officers in the provincial corps who may have fallen in action.

We see, with your Excellency, that the strongly excited feelings to which the long-agitated question of the Clergy Reserves has given rise in the province, have sensibly impaired that social harmony which may be classed among the first of national blessings, and have augmented the hopes of the enemies of the country in proportion as they have created divisions among its defenders: and we feel that, on every account, the settlement of this vitally important question ought not to be longer delayed; we will, therefore, consider how this desirable object may be obtained with a due regard to the interests of the community at large.

While we freely express our entire concurrence in the reasons which your Excellency has shown for desiring an early settlement of this important question, we cannot but rejoice that the hopes of our enemies have proved fallacious, and that the loyal people of Upper Canada, in the time of actual danger, laid aside all internal differences on this and other subjects, and united together to repel a foreign enemy, whose interference in our domestic difficulties could neither be desired or tolerated.

With your Excellency, we deem the subject of general education one of vital importance to the best interests of society, and believe that a system of sound and religious instruction for the rising generation ought to be established under every government, and is most particularly requisite in a young country in the condition of this province.

We will thankfully receive from your Excellency the answers which Her Majesty has been graciously pleased to return to the several addresses which passed the two Houses of Parliament during the last session.

We doubt not but that your Excellency has exercised the power vested in you, by the suspension of the Habeas Corpus Act, with the greatest caution, with a sincere desire that no restraint might be imposed on personal liberty, beyond what was imperatively demanded for the public safety.

Your Excellency justly observes that the progress which this beautiful country seems destined to make in population and wealth has been materially obstructed by the difficulties and dangers with which it has for some time past been surrounded.

By the goodness of an overruling Providence, those dangers have, however, in a great degree, been averted; and we humbly hope, with your Excellency, that the same Almighty arm which has hitherto protected us will soon place Upper Canada in such a state of tranquillity and security as will permit the full development of her vast natural resources.

To accelerate the arrival of that period, your Excellency may at all times rely on the support of the Legislative Council, in promoting, by wise and salutary legislation, the prosperity and happiness of this interesting colony.

(Signed)

J. JONES, Speaker.

Legislative Council-Chamber, 5th day of March, 1839.

#### REPLY.

Honourable Gentlemen,

It is very gratifying to me to receive this Address, evincing, as it does, the same spirit of loyalty and attachment to your country by which you have ever been actuated.

I am sensible of your kind expressions of confidence in the measures which I have adopted for the protection of the province, and shall fully rely on your cordial assistance at the present arduous period, in my endeavours to revive the prosperity of the colony, and maintain the integrity of the empire.

Enclosure 2 in No. 10.

ADDRESS from the COMMONS HOUSE of ASSEMBLY to Sir G. ARTHUR.

To his Excellency Sir GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

Encl. 2 in No. 10. May it please your Excellency,

WE, her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly thank your Excellency for your gracious speech from the throne at the opening of the present Session, and we avail ourselves of the opportunity afforded, to congratulate your Excellency on your assumption of the government of this province at so important a period in its history.

We are satisfied that the postponement of the present Session to a time later than usual, has been induced by an earnest desire on the part of your Excellency to consult public convenience; and that the internal tranquillity of the province, and the present security of its frontier, afford a favourable opportunity for calling the attention of the Legislature to devising measures for the peace, welfare, and good government of the colony—a duty which we will most cheerfully enter upon, with an earnest desire that our labours may meet with the approbation of our most gracious Sovereign and of the people of Upper Canada, to whose zeal, constancy, and bravery, under the most trying circumstances, your Excellency has borne such gratifying testimony.

We view with peculiar satisfaction the earnest desire evinced by your Excellency under the present novel and peculiar situation of the province, to place before the Legislature an

authentic review of recent occurrences, and to trace effects to their causes, as a guide to present and future legislation; and that we cannot but express the deepest gratitude to Divine Providence that your Excellency was enabled to acquire such timely information of the proceedings of the conspiracy which was organized and extended along the whole line of the American frontier, from east to west, as induced your Excellency to take those decisive measures which gave immediate confidence to the country, and ensured the security of the province, and for which your Excellency is entitled to the gratitude and thanks of the people.

Although we deeply deplore that her Majesty's faithful subjects have been exposed to the greatest privations and hardships, and to the severest domestic injuries, in defending their constitution and laws, we nevertheless have the satisfaction of believing that, owing to our state of preparation at every point, the loss of valuable lives has been limited—the high moral character of the people of Upper Canada thoroughly exhibited—and a spirit roused throughout the province that will survive passing events, and greatly tend to the future strength, security, and tranquillity of the country.

We feel highly gratified that, when the conspirators and revolutionists did make an attack upon our frontier near Prescott, and another in the vicinity of Sandwich, not a subject of her Majesty joined them after their landing, and that in both attempts they were signally defeated, and nearly the whole of the banditti captured.

We agree with your Excellency that, in alluding to these events, it is impossible to praise too highly the gallantry of the militia, the fidelity and prompt services of the Indian warriors, and the patriotism of a vast majority of the inhabitants of this province, who have conspicuously vied with each other in the manifestation of a devoted attachment to our most gracious Sovereign, and of an enthusiastic affection and deep regard for our venerated constitution.

We feel that our best security against the designs of the lawless population of the neighbouring republic, aided by the few disaffected persons in this province, consists in being at all times prepared to repel attacks from any quarter, added to that protection from the mother country which we conceive we are as much entitled to as the inhabitants of any county in England.

We concur in opinion that the main foundation for the hopes of the disaffected persons in this province, and of their foreign supporters, has been a mischievous notion, industriously propagated, that England would desert her Transatlantic possessions in the hour of difficulty and danger; that whenever the machinations of internal traitors, or threats of external hostility, might render the protection of these colonies burthensome, the assistance of the mother country would be withdrawn, and their loyal inhabitants be left alone to support a most unequal conflict. We believe that this false and pernicious opinion has given encouragement to treason—influenced the conduct of the wavering—excited the apprehensions of the timid—and even put to a severe test the constancy of the loyal and resolute:—that it has assisted in checking the tide of immigration to our shores—diverting the surplus of British capital into other channels—impairing public credit—depreciating the value of every description of property—and has been the prolific source of many public calamities.

Past events have uniformly and clearly demonstrated that the fidelity of the mass of the people of this province is not to be shaken by the severest trials, and it affords us great satisfaction, and inspires us with additional confidence, to be informed that your Excellency has been commanded by our most gracious Sovereign to convey to us the most positive assurances of her continued protection and support.

We cannot withhold the expression of our apprehensions that the dangers which have assailed us are not at an end; for all the motives in which the attempts of our enemies originated—the love of plunder, an avidity to seize our fertile lands, and an impatient desire to extend republican institutions—continue to operate with unabated force; and though we sincerely desire conciliation, and will endeavour to promote it by every honourable means, still we feel convinced that upon our own ability, sustained by the British government, to repel and punish hostile aggressions, we must hereafter chiefly depend.

In order to place the inhabitants of this province in the most advantageous position for opposing their unprincipled enemies, we will turn our early and serious attention to the making such amendments in our militia law as shall place this force on the best possible footing—efficient, but not burthensome either to the government or to the people.

We feel assured that the duties which have devolved upon your Excellency in disposing of the numerous criminals who have fallen into the hands of justice have been arduous and difficult; and we are well convinced that in the discharge of those painful duties your Excellency has been guided by a sincere desire to extend mercy to the utmost limits compatible with justice to the deeply injured people of this province.

We will devote our early attention to the situation of her Majesty's subjects who have suffered in their persons and property by the reiterated attacks of our enemies.

We receive with heartfelt pleasure and grateful acknowledgment the information that Her Majesty has been most graciously pleased to extend to the wounded officers, non-commissioned officers, and men, of the provincial militia, in arms since the insurrection last winter, the same liberal provision as is granted to Her Majesty's regular land and naval forces; and that it is Her Majesty's most gracious intention to make a similar beneficent provision for the widows of those officers in the provincial corps who may have fallen in action.

The important and long-agitated question of the Clergy Reserves shall receive our immediate and attentive consideration, with the view to ascertain how a settlement of it, so particularly desirable, can be attained.

We cordially agree with your Excellency in thinking that a system of sound and religious

No. 10.  
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8th March, 1839.

Encl. 2 in No. 10.

instruction for the rising generation ought to be established under every Government, and is most particularly requisite in a young country in the situation of this Province, and that we will give this subject our best consideration.

Our most careful consideration shall be directed to the subject of the surrender by Her Majesty to our disposal of the casual and territorial revenues of the Crown, in order that a satisfactory arrangement of this important subject may be speedily accomplished.

The amount of extraordinary outlay advanced by your Excellency from the crown revenue, and not contemplated or provided for by the Legislature, to defray the expenses attending the capture, detention, trial, and punishment of state criminals, and other pressing demands, as well as the public accounts, shall engage our strict attention as soon as they shall be laid before us.

While we regret to find that the negociation of our public debentures in England has latterly been impeded, we trust that measures will be adopted, during the present session, which will remove all difficulty in obtaining for these securities the confidence that was formerly extended to them.

We are gratified to learn that, notwithstanding the interruption to which the trade of this country has been exposed, there has been no falling off in the revenues collected in Lower Canada, and that a portion of the public money placed in the hands of Thomas Wilson and Co., of London, has been paid; and further, that there is reason to believe that the remainder will shortly be received.

As soon as the reports of the state of the public works are laid before this House we shall consider it among our most important duties to turn our attention to their advancement, and to endeavour to devise measures to secure a due application of public money voted for the roads, the formation of which, on a good and permanent system, we agree with your Excellency, is most essential to the prosperity of the Province.

The anxiety with which Her Majesty's Government looks forward to the resumption of cash payments by the chartered banks of the province is fully participated in by us, and we shall rejoice to find that the interest of the province, and the safety of public credit, will permit the early accomplishment of this essential object.

We shall receive with respectful attention the answers which Her Majesty has been pleased to make to the several addresses of the two Houses of the Provincial Parliament during the last Session, and we are gratified to be informed by your Excellency that these addresses have been graciously received.

We have no doubt that, in exercising the power vested in your Excellency by the suspension of the Habeas Corpus Act to a limited extent, your Excellency has been influenced by a sincere desire that no restraint might be imposed on the liberty of the subject which the public safety did not imperatively demand.

We unite with your Excellency in acknowledging that the goodness of an overruling Providence has, in an eminent degree, averted the dangers by which the progress of this beautiful country, in population and wealth, has been obstructed; and we humbly hope that the same Almighty arm, which has hitherto protected us, will soon place Upper Canada in such a state of tranquillity and security as will permit the full development of her vast natural resources; and we are fully persuaded that your Excellency's cordial exertions will be employed, in conjunction with the other branches of the Legislature, to promote, by wise and salutary measures, the prosperity and happiness of this interesting colony.

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REPLY.

Gentlemen of the House of Assembly,

I THANK you for your congratulations on my assuming the Administration of the Government of this Province, and for the confidence you express in the motives by which my conduct has been directed in the discharge of the very arduous duties that have devolved on me.

At such a trying and eventful period as the present, nothing can tend more to the strength and efficiency of the Executive Government than the cordial support of the Representatives of the People.

In offering you, therefore, my best acknowledgments for this address, I can, with the greatest sincerity, assure you, that it will be the object of my earnest desire to promote and strictly to maintain that good understanding and harmonious intercourse with you which I feel to be intimately connected with the best interests of the country.

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No. 11.

(No. 62.)

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H.,  
to Lord GLENELG.

No. 11.  
Sir George Arthur  
to Lord Glenelg.  
14th March, 1839.

MY LORD,

Upper Canada, Toronto, 14th March, 1839.

No. 1.  
1. Chauncey Parker.  
2. B. F. Pew.  
3. N. Smith.  
4. H. S. Hull.  
5. Squire Thayer.  
6. T. Culver.  
7. A. Partridge.

I HAVE the honour to transmit to your Lordship the accompanying copy of a Despatch, which I addressed to the Governor-General on the 14th ultimo, in reply to a communication from his Excellency relative to the seven prisoners named in the margin, who were captured near Amherstburg, on board the schooner "Anne," in an attempt to invade this province in January, 1838, been and had sent to Quebec, for safe keeping in the citadel.

By that Despatch your Lordship will perceive that I have authorised the discharge of these prisoners from custody; and the same document will, I trust, explain satisfactorily to your Lordship the reasons which have induced me to do so.

I have further the honour to transmit a copy of a Despatch which I have just received from the Governor-General, in reply; and beg to inform your Lordship that I shall proceed, at the earliest opportunity, to act upon his Excellency's suggestions, as to the manner of effecting the liberation of the seven individuals, in question.

I have, &c.

The Right Hon. Lord Glenelg,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

No. 11.  
Sir George Arthur  
to Lord Glenelg.  
14th March, 1839

No. 2  
2d March, 1839.

Copy.]

Enclosure 1 in No. 11.

SIR G. ARTHUR to SIR JOHN COLBORNE.

SIR,

Government House, 14th February, 1839.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch, dated 26th ultimo, with a memorial from seven persons named in the margin, now confined in the citadel of Quebec, who were captured near Amherstburgh, in the schooner "Anne," while in the act of invading this province in the month of January, 1838; and having fully considered in Council the case of these prisoners in all its bearings, and more particularly with reference to the differences of opinion between Her Majesty's law officers in England and the judges and law officers of this province, respecting the character of the offence for which those prisoners should be put on trial, I have determined that it is, under all the circumstances, expedient that they should be set at liberty. The principal offenders, with whom these prisoners were associated in their criminal attempt to disturb the peace of this province, have escaped, and they have themselves suffered a long confinement; I therefore do not doubt that your Excellency will concur in my opinion that they should be discharged.

The law officers to whom I have referred the case suggest, that at the time of the prisoners being set at liberty they should be required to enter into their own recognizances that they will forthwith, or within a reasonable period, remove themselves from Her Majesty's possessions in America.

In attaching this condition to their discharge, it is to be considered of no other value than in so far as it clearly explains to the parties that they may again be committed to prison, should they violate their engagement, and at any future time be found at large in any of the provinces.

As these recognizances may be entered into before any magistrate, I trust your Excellency will have the goodness to give the necessary directions for their being taken by some competent person at Quebec, prior to the discharge of the parties.

I have, &c.

(Signed) GEO. ARTHUR.

His Excellency Sir John Colborne,  
&c. &c. &c.

Encl. 1 in No. 11.

1. Chauncey Parker.
2. Ben. F. Pew.
3. Nathaniel Smith.
4. Henry S. Hull.
5. Squire Thayer.
6. Tneron Culver.
7. A. Partridge.

Copy.]

Enclosure 2 in No. 11.

SIR JOHN COLBORNE to SIR GEORGE ARTHUR.

SIR,

Government House, Montreal, 2nd March, 1839.

HAVING referred your Excellency's letter of the 14th ultimo, relating to the disposal of the seven Upper Canada prisoners who were captured near Amherstburgh, now in confinement in the citadel of Quebec, to the Attorney-general of this province, I have the honour to transmit to you a copy of that officer's opinion, and to acquaint you that I shall be prepared to direct the prisoners in question to be forwarded immediately in the opening of the navigation to Cornwall, or such other place in Upper Canada as your Excellency may desire, with the view of their being put under the necessary recognizance in that province.

I have, &c.

(Signed) J. COLBORNE.

His Excellency Major-Gen. Sir George Arthur, K.C.H.,  
&c. &c. &c.

Encl. 2 in No. 11.  
2nd March, 1839.

Copy.]

SIR,

Montreal, 1st March, 1839.

IN obedience to the commands of his Excellency the Governor-General, I have considered the despatch of his Excellency Sir George Arthur, Lieutenant-Governor of the province of Upper Canada, addressed to his Excellency the Governor-General, dated the 14th February last, with regard to seven persons confined in the citadel of Quebec, who were captured near Amherstburgh, requesting that those persons may be set at liberty on entering into their own recognizances that they will forthwith, or within a reasonable period, remove themselves from Her Majesty's possessions in America.



No. 11:  
Sir George Arthur  
to Lord Glenelg.  
14th March, 1839.  
Encl. 2 in No. 11.

I have the honour of reporting that I see no legal objection to the liberations of these persons, on their being so bound in recognizances, taken before a justice of the peace at Quebec. But for the obstacles that exist to the conveyance of prisoners to so great a distance at this season of the year, I would be led rather to recommend the prisoners being conducted to the nearest place in Upper Canada, to be put under such recognizances by competent authority there.

I have, &c.  
(Signed)

C. R. OGDEN.  
Attorney-General.

Major Goldie, Secretary,  
&c. &c. &c.

(No. 68.)

No. 12.

EXTRACT of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H. to Lord GLENELG.

No. 12.  
Sir George Arthur  
to Lord Glenelg.  
30th March, 1839.

Upper Canada, Toronto, 30th March, 1839.

It gives me pleasure to report to your Lordship that, within this province, all continues tranquil.

The loyal portion of the community feel much confidence; the disaffected are, at least, quiet; and all seem to await with anxiety the issue of war or peace.

On the American frontier there seems to be a general expectation and desire for war.

Colonel Airey writes from Amherstburg, that various preparations are in progress on the American side, and that another "patriot" descent is confidently expected. General Scott has written to General Brady, who commands at Detroit, to warn him that "patriot" disturbances upon a *large scale* must be expected.

The Senate of Michigan have applied to the President for permission to embody 5,000 of the militia of that State.

An entertainment upon an extensive scale has just been given in the State of Michigan to Bradley, Brophy, and Dodge: nothing can more strongly show the hostile feelings of the American people towards Canada.

Statements from various parts of the frontier all concur in representing that the "Hunters' Lodges" are still extending; that the expectation of war is generally entertained, and there is certainly a growing hostility amongst all classes, but these may subside.

(No. 74.)

No. 13.

EXTRACT of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H. to Lord GLENELG.

No. 13.  
Sir George Arthur  
to Lord Glenelg.  
2d April, 1839.

Upper Canada, Toronto, 2nd April, 1839.

I HAVE had the honour to receive with your Lordship's despatch of the 25th of January last, a copy of a despatch which your Lordship had addressed to Sir John Colborne, informing him that measures would be adopted for removing any prisoners under sentence of transportation for offences connected with the late insurrectionary movements as early as possible after the opening of the navigation, direct from Canada to the penal colonies; and desiring therefore that he would retain such persons in the country, until the further instructions of Her Majesty's Government should be transmitted for his guidance.

In acknowledging this communication, I beg to express the very great satisfaction which I have experienced, on finding that Her Majesty's Government had resolved to avoid in future the inconvenience of sending, via England, to their destination, prisoners sentenced in this country to transportation for political offences.

Respecting that part of the despatch having reference to the probable number of individuals in this class of convicts that may require to be removed, I have the honour to report that, as regards Upper Canada, it will depend on the contingent circumstances which I am about to bring under your Lordship's notice; though I have no reason to suppose that it will amount, in any case, to less than eighty-two persons.

In my despatch No. 12, of the 5th of February, I stated the reasons which,

in anticipation of the spirit of your Lordship's instructions, as conveyed in the enclosure to your despatch of the 31st of December last, had induced the Executive Council to recommend the early liberation of several of the convicted brigands; and that, fully concurring in the opinion expressed by the council, I had resolved to act in accordance with it, provided that the Governor-general should not consider the measure as tending to exercise a baneful influence on the affairs of the Lower Province.

No. 13.  
Sir George Arthur  
to Lord Glenelg.  
2nd April, 1839.

It is under such circumstances, therefore, that the release of twenty-seven brigands whom the courts-martial had recommended for a mitigation of capital punishment, and whom the council had accordingly selected as the first objects of pardon, has actually taken place. Copies of letters to Colonel Dundas, commandant at Kingston, and to the Sheriff of the London District, authorizing the discharge of these individuals from custody, are herewith transmitted.

No. 1.  
No. 2.

Influenced by similar considerations, I have since caused a letter to be addressed by the Provincial Secretary to the Secretary of State for the State of New York, informing him of the earnest desire of this Government to extend a free pardon to the further number of fifty-two of the delinquents in our custody, on the ground of their being young and inexperienced men, provided that the state of feeling on the frontier shall appear to render the adoption of such a measure consistent with our security. Of this letter, I have the honour, likewise, to transmit a copy, and from the tone of the answer I may receive to it I shall be better able than at present to form a correct judgment as to the course which it may be desirable to pursue.

No. 3.  
28th March, 1839.

The whole number of convicted brigands undisposed of, being 134, if the 52 in question be discharged, there will still remain 82 for transportation, and requiring to be detained in this country until your Lordship's instructions respecting the mode of their conveyance to their destination, shall be received.

I have the honour to transmit a Copy of a Minute of the Executive Council, relative to these individuals, and containing a list of their names.

No. 4.  
16th March, 1839.

I have already informed your Lordship in my Despatches before quoted, Nos. 12, and 33, that I consider the time had arrived when, without offending the feelings of the loyal portion of the community, and without the risk of our motives being so misinterpreted, as to be referred by our opponents to any principle of fear, we might grant to the American citizens, the substantial boon that has now been proffered.

Though still entertaining this opinion, and still impressed with the conviction that no reasonable means to produce conciliation should be left unattempted, I feel that I should be deceiving both your Lordship and myself, were I to profess other than a belief that very little permanent benefit can result from any endeavours we may make to change the feeling of a considerable body of the American citizens towards us. On a *class* of them, as stated in my despatch of No. 33, the measure of our present mercy, which will meet their expectation, cannot fail to produce its influence; but beyond such class, there is but little good material to work upon; and I much fear that the real cause of the long course of aggression to which this country has been subjected, at the hands of the lawless borderers, is too deeply seated to be removed by any acts of liberality or generosity on the part of this Government.

In proof of the unabated spirit of aggression and animosity which exists on the part of a large portion of the border population, I need, my Lord, only advert to the circumstances mentioned in my despatch No. 68, of the 30th ultimo, of an expensive entertainment having been lately given at Monroe in the State of Michigan, to Theller, Dodge, Brophy, and others of their stamp, whereat many citizens of influence and note attended, and sentiments of the most hostile character towards the country were unreservedly expressed.

The information received from Colonel Airey (34th regiment), and imparted to your Lordship in the same despatch, that fresh preparations are again in progress for further attacks on this province, is evidence of the continued determination to harass and keep alive bad feeling. In conjunction with these facts, may be mentioned the report that the citizens of the state of Michigan have applied to the President for leave to raise a force of 5000 militia, under an affected apprehension of attack from what they term our large amount of force collected on the western frontier. An extract of a letter from Lieutenant-Colonel Airey is enclosed, wherein he represents the existing state of feeling at Detroit.

Vide Desp. No. 68.

No. 5.



No. 13.  
Sir George Arthur  
to Lord Glenelg.  
2nd April, 1839.

The border population clearly look to war, arising from the unsettled question of the north-eastern boundary, for affording them an opportunity of rushing openly, in mass, into the Canadas; nor do they conceal the hope which is prevalent among them. that points at issue between the two countries, *may not* be settled amicably.

But the strong expression in Parliament, on the part both of Her Majesty's Ministers, and also of the Duke of Wellington and Sir Robert Peel, of their sentiments on the subject of Canadian affairs, and of the necessity of defending these provinces with the whole force and energy of the empire, can hardly fail to produce a very beneficial effect on the feelings of the inhabitants of the Canadas; and may reasonably be expected to go far in repressing those sanguine expectations of wresting these important possessions from the British Crown, which have for some time been confidently indulged by a large party in America. This may still tend materially to avert war.

As regards the internal condition of this province, I beg to report that all is at present quiet.

Recapitulating the remarks expressed in this and recent despatches, on the state of affairs both within and without the province, I would wish to convey to your Lordship my deliberate opinion that the situation of the country now is, and for some time to come is likely to be, such as to demand unremitting vigilance here, and the firmest tone in the Imperial Parliament.

At the same time, I do incline to hope that the American citizens, perceiving, as they must, that the Canadas are not to be had on the easy terms which they anticipated, will gradually soften down and become more tractable; and, although it may surpass calculation to foresee the final working of the "Hunters Lodges," I can scarcely believe, notwithstanding the excitement which is still kept alive in the states of Michigan and Ohio, that the members of the associations, unless they are secretly supported by their Government, will venture further inroads into Canada, having before their eyes the striking and awful examples that have been made of those who preceded them.

(Copy.)

Enclosure 1 in No. 13.

Letter to Colonel H. DUNDAS.

SIR,

Government House, 26th March, 1839.

Encl. 1 in No. 13

AN authority will be forwarded by this post to the Sheriff of the Midland District for the discharge of twenty-two of the convict brigands, now in confinement at Fort Henry, two of whom were sentenced by the militia general court-martial to the Penitentiary, whilst the remaining twenty having been sentenced capitally, have been recommended by the Court for a mitigation of the penalty of death; and I am directed by the Lieutenant-Governor to request that previously to their liberation you will take an opportunity of endeavouring to impress them, by a forcible address, with a proper sense of the peculiar atrocity of their offence, of the extraordinary lenity shown to them by this Government, and of the deep obligation which such merciful treatment imposes on them to cherish feelings of lasting gratitude towards us, and to make whatever atonement they can for the serious and unprovoked injuries they have inflicted on this province.

It may also be pointed out to them that the fate of their fellow-prisoners must, in some measure, depend on their conduct, since an abuse by them of the clemency of this Government could not fail to operate prejudicially to the brigands they leave behind, and on whose cases no ultimate decision has yet been formed.

To his Excellency, however, it does not appear necessary to enter more largely into the subject of this letter, as he is convinced you will entirely comprehend his intentions in relation to the convicts who are now to be pardoned; and he has, therefore, only to request that you will improve to the utmost the occasion which thus presents itself of rousing in them any good feelings of which their nature may possibly be susceptible, and of lessening through them that spirit of violent hostility towards us which still exists among a great proportion of the population of the opposite frontier.

The chances that such consequences will result from this act of mercy are certainly too faint to be much regarded, but the Lieutenant-Governor deems it the part of prudence and sound policy not to neglect any chance, however small or remote, of securing those advantages.

Under a total ignorance of the present state of the river, in regard to ice, the Lieutenant-Governor cannot give any specific directions as to the mode of liberating the prisoners; and he accordingly leaves it entirely to your discretion to convey them to Cape Vincent or any other neighbouring town, in the way you may think proper, and to deliver them over to the marshal or any public functionary of the place to which they may be transferred.

I have, &c.

Col. The Hon. H. Dundas,  
Commanding 83rd Regiment, Kingston.

(Signed) JOHN MACAULAY.

(Copy.)

Enclosure 2 in No. 13.

No. 13.  
Sir George Arthu  
to Lord Glenelg  
2nd April, 1839.

LETTER to the SHERIFF of the LONDON DISTRICT.

SIR,

Government House, Toronto, 27th March, 1839.

Encl. 2 in No. 13.

By the Lieutenant-Governor's direction, I herewith transmit you a list of the names of eighteen of the convict brigands now in confinement in the gaol of London, whom it is his Excellency's wish that you should remove with all possible despatch to Toronto.

The commanding officer of Her Majesty's troops in London will be instructed to provide an escort for the prisoners, and his Excellency trusts that by their departure the great inconvenience arising from the crowded state of the gaol will be entirely remedied.

I also enclose you a list of five of the brigands who were recommended by the General Court-Martial for minor punishment; and to whom His Excellency has been induced to extend Her Majesty's free pardon. You will, therefore, immediately apprise them of the merciful intentions of the government towards them, and endeavour to impress their minds with a just sense of the very great clemency they have experienced from this government; after which you will remove them to Hamilton, in order that they may be sent from thence to the other side of the water, and liberated.

The fourteen prisoners who will then remain in your charge at London consist of young men, to whom it is also proposed to grant a free pardon at no very distant period, if the state of feeling on the opposite frontier shall render such a proceeding compatible with the security of this province; and you are authorized to inform them that they will hereafter be permitted to return to their families and friends, if no further aggressions shall be committed against us by their countrymen.

I have, &c.

(Signed)

JOHN MACAULAY.

Samuel Snow.  
Elzzer Stevens.  
John C. Williams.  
John B. Tyrill.  
John S. Guttridge  
James M. Aitchison.  
John Sprague.  
Robert Marsh  
Riley M. Stewart  
Henry V. Barnum.  
Alvin B. Sweet.  
James P. Williams.  
William Nottage.  
John H. Simmons.  
Elijah C. Woodman.  
Chauncey Seldon.  
James De Witt Ferro.  
Michael Morin.  
David McDougall.  
George Putnam.  
William Bartlett.  
Sidney Barber.  
Harrison P. Goodrich.

Mr. Sheriff Hamilton, London.

(Copy.)

Enclosure 3 in No. 13.

Mr. TUCKER to the SECRETARY OF STATE for the State of NEW YORK.

SIR,

Government House, Toronto, 28th March, 1839.

Encl. 3 in No. 13.

IN a former communication to your predecessor I had the satisfaction of assuring him that whilst the Lieutenant-Governor of this province was most strongly impressed with a sense of the sacred obligation imposed on him of endeavouring to protect the deeply-injured inhabitants of Upper Canada from a repetition of those lawless and cruel attacks to which they have so repeatedly been exposed, by the infliction of capital punishment on the principal authors of the injuries they have suffered, his Excellency Sir George Arthur was equally anxious to confine such punishment within the narrowest limits consistent with the discharge of this necessary, though painful, duty; and to discover some reasons which might justify him, both to his own conscience and to the public, in extending pardon to the least criminal among a body of men who had all incurred the guilt of engaging in an enterprise repugnant to every rule of morality, and forbidden alike by the general principles of the law of nations and the municipal institutions of their own country.

Still animated by these sentiments, and sincerely desirous of testifying to the people of the United States of America, that no provocations, however great—no injuries, however severe, can induce, on the part of this Government the smallest departure from its long-established practice of tempering justice with mercy, the Lieutenant-Governor has very lately directed the release of twenty-seven of the convicted brigands; two of whom were sentenced by the Court-Martial to confinement for a long term of years in the Penitentiary at Kingston; and the remaining twenty-five having been sentenced to *capital* punishment, were yet recommended by the Court for a mitigation of the penalty of death.

There is another and numerous class of the prisoners concerned in the late invasions of Upper Canada, to whom the Lieutenant-Governor is also disposed to grant a free pardon, on the ground that, being young men, they were less capable of estimating the criminality of the proceeding in which they rashly embarked, and more liable to be misled by the false representations of wicked and designing persons; and I am instructed to add, for the formation of Governor Seward, that it is the particular desire of the Lieutenant-Governor that the state of feeling on the frontier, and the consequent prospect of tranquillity, may be such as to render the early restoration of those individuals to their families compatible with the welfare and security of this province.

An intimation of the contemplated liberation of those brigands has already been made to Her Majesty's Minister at Washington; but as the greatest number of them belong to the state of New York, and as the whole of them will probably, in the first instance, return thither, the Lieutenant-Governor has thought it desirable that his Excellency Governor Seward should also be apprised of his intentions respecting them.

I have, &c.

(Signed)

R. A. TUCKER.

The Secretary of State for  
the State of New York, Albany.



No. 13.  
Sir George Arthur  
to Lord Glenelg.  
2nd April, 1839.

(Copy.)

Enclosure 4 in No. 13.

REPORT of the EXECUTIVE COUNCIL, dated 16th March, 1839, as to the disposal of 82 State Prisoners convicted before the Courts-martial at Fort Henry and London.

Executive Council Chamber, Toronto,  
Saturday, 16th March, 1839.

Present.—The Honourable Robert Baldwin Sullivan, Presiding Councillor; the Honourable William Allan; the Honourable Richard A. Tucker.

To His Excellency Sir George Arthur, K.C.H., Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,—

Encl. 4 in No. 13.

THE Executive Council have taken into consideration the despatch of Her Majesty's Secretary of State for the Colonies, dated 31st December, 1838, and 25th January, 1839.

The Council have also considered the cases of the prisoners convicted by the courts-martial, held at Fort Henry and London, remaining for disposal after the recommendations for pardon already offered.

The Council cannot find any distinction in the cases of the convicts which admits of a different measure of punishment to the individuals comprising the whole number, and they see no other means effectual in securing the punishment of the prisoners, and offering a deterring example, but transportation to one of Her Majesty's penal colonies.

The Council, therefore, respectfully advise, that the convicts named in the annexed list, 82 in number, have the sentences of death, pronounced upon them respectively, commuted into transportation for life to Her Majesty's penal colony of Van Diemen's land.

All which is respectfully submitted.

(Signed) G. A.

(Signed) R. B. SULLIVAN, P.C.

Names of the 82 Prisoners referred to in the foregoing Report.

- |                        |                             |
|------------------------|-----------------------------|
| 1. Aaron Dresser, jun. | 42. John G. Swanberg.       |
| 2. William Gates.      | 43. Nathan Whiting.         |
| 3. George T. Brown.    | 44. Stephen S. Wright.      |
| 4. Hiram Loop.         | 45. Beemis Woodbury.        |
| 5. Elon Fellowes.      | 46. Asa Priest.             |
| 6. Orlan Blodgit.      | 47. John Bradley.           |
| 7. Reilly Whitney.     | 48. Patrick White.          |
| 8. John Thomas.        | 49. David Defield.          |
| 9. Asa H. Richardson.  | 50. John Morrisette.        |
| 10. Edward A. Wilson.  | 51. Joseph Leforte.         |
| 11. Laurence Reilly.   | 52. Calvin Mathers.         |
| 12. Robert G. Collins. | 53. John Gillman.           |
| 13. Thomas Stockton.   | 54. Foster Martin.          |
| 14. David Howth.       | 55. Daniel Liscum.          |
| 15. Michael Fraer.     | 56. Ira Polly.              |
| 16. Emanuel Garrison.  | 57. Oliver Lawson.          |
| 17. Leonard Delino.    | 58. Andrew Moore.           |
| 18. John Cronkhite.    | 59. Lysander Curtis.        |
| 19. James Pierce.      | 60. Nelson J. Griggs.       |
| 20. James Inglis.      | 61. Garret Hicks.           |
| 21. Hugh Calhoun.      | 62. William Reynolds.       |
| 22. Henry Shew.        | 63. Jerry Griggs.           |
| 23. Joseph Thompson.   | 64. Moses A. Dutcher.       |
| 24. Eli Clark.         | 65. Samuel Snow.            |
| 25. Jehiel H. Martin.  | 66. Elizar Stevens.         |
| 26. Luther Darby.      | 67. John Chester Williams.  |
| 27. Joseph Stewart.    | 68. John Burwell Tyrell.    |
| 28. Alson Owen.        | 69. John Seymour Gutridge.  |
| 29. Chauncey Bugbee.   | 70. James Milnes Aitchison. |
| 30. Andrew Leeper.     | 71. John Sprague.           |
| 31. John Berry.        | 72. Robert Marsh.           |
| 32. Owen W. Smith.     | 73. Riley Monson Stewart.   |
| 33. Daniel D. Hustis.  | 74. Henry Verrelon Barnam.  |
| 34. Thomas Baker.      | 75. Alvin Burrough Sweet.   |
| 35. Solomon Reynolds.  | 76. James Peter Williams.   |
| 36. David Allen.       | 77. William Nottage.        |
| 37. Hiram Sharp.       | 78. John Henry Simmons.     |
| 38. Samuel Washburn.   | 79. Elijah Croker Woodman.  |
| 39. Gideon Goodrich.   | 80. Chauncey Sheldon.       |
| 40. John M. Jones.     | 81. James De Witt Ferro.    |
| 41. Chauncey Mathers.  | 82. Michael Morin.          |

Enclosure 5 in No. 13.

EXTRACT from a Letter from Lieutenant-Colonel AIREY, 34th Regiment, dated  
Malden, 27th March, 1839.

There has been a great deal of excitement at Detroit, and, I may say, in Michigan generally, since the Boundary question has been before the public, and the feeling decidedly more and more warlike.

Since an amicable adjustment of the affair between New Brunswick and Maine has become probable, great dissatisfaction has been evinced. The Legislature of Michigan has had frequent secret sessions—the object of which has been to take measures for the defence of their frontier, and to make a representation to the President, to induce Congress to authorize Michigan to call out 5000 militia, to be placed opposite the British posts, and to defend Detroit.

They say Detroit is very full of strangers.

I have no doubt whatever, from all I see and hear, that next winter (if not sooner) will bring with it a renewal of piratical incursions, on this frontier at least, under the head of patriotism. The contributions in order to keep up excitement are more general and more extensive in Ohio and Michigan than ever, and they avow that they intend to tire the British Government and loyal population out.

All that comes to my knowledge of any weight I will not fail to communicate.

I remain, &c.

(Signed) RICHARD AIREY.

No. 13.  
Sir George Arthur  
to Lord Glenelg.  
2nd April, 1839.  
Encl. 5 in No. 13

(No. 80.)

No. 14.

COPY of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to  
the Marquis of NORMANBY.

Upper Canada, Toronto,  
April 10, 1839.

MY LORD,

WITH reference to my despatch, No. 74, of the 2nd instant, I have now the honour to enclose your Lordship the copy of a Report from the Sheriff of the Midland district, detailing the circumstances attending the liberation of twenty-two of the brigands lately in confinement at Fort Henry.

These men were landed at Sackett's Harbour, and I think your Lordship will be gratified at the circumstances connected with their being delivered over to the American authorities.

The five other prisoners alluded to in that despatch have been sent from London to Hamilton for the purpose of being released.

I have, &c.,

(Signed)

GEO. ARTHUR.

The Most Noble the Marquis of Normanby,  
&c. &c. &c.

No. 14.  
Sir George Arthur  
to the Marquis of  
Normanby.  
10th April, 1839.  
6th April, 1839.

Enclosure in No. 14.

SIR,

Kingston, April 6, 1839.

I BEG leave to acquaint you, for the information of his Excellency the Lieutenant-Governor, that in pursuance of instructions conveyed to me in your letter of the 26th ultimo, and in compliance with directions from Colonel the Honourable H. Dundas, 83rd Regiment, Commandant of Kingston, I have this day discharged from my custody the American prisoners named in the margin, to whom a free pardon has been granted by his Excellency the Lieutenant-Governor. They were embarked on board of a steam-boat under an escort of fifty men of the militia, and I proceeded in charge of them to Sackett's Harbour.

Before landing the prisoners I waited on the military and civil authorities, by whom I was received with great civility. I expressed to them the Lieutenant-Governor's anxious hope, that the great lenity which had been shown to these prisoners would be duly appreciated by all classes of the American people, and have the effect of allaying that feeling of animosity against the people of Canada, which, unfortunately, had so generally prevailed along the frontier. I stated that on the conduct of the persons about to be released, and that of the American people generally, would in a great degree depend the fate of the greater part of the prisoners who still remained in confinement.

The magistrates assured me that no efforts should be wanting on their part to bring about a better state of feeling on the part of the people, and that they all felt deeply grateful for the mercy shown to the prisoners. I walked for a distance of nearly a mile in the midst of the crowd, which had collected on the approach of the steamer, and did not meet with the slightest incivility from any person.

I enclose herewith the receipt of the deputy sheriff for the prisoners.

After the prisoners had been landed, they separated themselves from the crowd, and drew up along the beach: looking towards the vessel they all bowed low, then took off their caps, and gave us three cheers.

I firmly believe that the mercy extended to them will have a most beneficial effect on the public mind throughout the United States.

The Honourable J. Macaulay, Civil Secretary,  
&c. &c. &c.

I have, &c.

ALLAN M'DONNELL,  
Sheriff, Midland District.

Enclosure in No. 14.  
Names of American  
Prisoners  
Price Seuter  
Lawton S. Peck  
Hiram Kenney  
Sebastian Meyer  
John A. Brewster  
Justin Merriam  
Francois Gagnon  
Peter Meyer  
Jeremiah Winegar  
David Gould  
John Thompson  
Andrew Richardson  
Philip Conrod  
Joseph Wagner  
Henry Jautzen  
Charles Hores  
John O'Kinski  
Ernest Bireuts  
Charles Allen  
Joseph Dodge.



No. 15.  
Sir George Arthur  
to the Marquis of  
Normanby.  
17th April, 1839.

(No. 90.)

No. 15.

COPY of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to  
the Marquis of NORMANBY.

Upper Canada, Toronto,  
April 17, 1839.

MY LORD,

WITH reference to my despatch, No. 80, of the 10th of April, covering a report from Sheriff Macdonell, of the Midland District, detailing the circumstances attending the release of twenty-two brigands, who were lately conducted by him to Sackett's Harbour, and given up to the civil authorities there, I have now very great satisfaction in transmitting your Lordship a number of the "Sackett's Harbour Journal," containing an editorial article on the conduct of this Government, in extending mercy to those individuals, accompanied by a letter of acknowledgment on the same subject from the magistrates to Mr. Macdonell, and a well-written address from the liberated prisoners, expressive of their deep sense of gratitude for the treatment they have experienced, and exhorting their countrymen in language both forcible and affecting, to abstain from all further acts of aggression against this province.

Without being disposed to attach any undue importance to what may be nothing more than a mere ebullition of feeling, under the influence of a temporary and short-lived sentiment of gratitude, produced by an unlooked-for act of clemency, I cannot but indulge the hope, that some good consequences may result from the liberation of those brigands; and it certainly adds materially to the chance of such a result, that the newspaper now forwarded to your Lordship has hitherto displayed a very unfriendly disposition towards us, and is published in a town where a spirit of very bitter hostility against British institutions has for a long period prevailed.

I have &amp;c.,

(Signed) GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

(Copy.)

Enclosure in No. 15.

(Extract from the Sackett's Harbour Journal.)

CANADIAN CLEMENCY.

*Twenty-two Prisoners pardoned and sent home.*

Encl in No. 15.

ON Monday last our village was the scene of pleasurable and grateful excitement, occasioned by the unexpected arrival of Colonel A. McDonnell, sheriff of Midland District, U. C., on board the British steamer Commodore Barrie, from Kingston, with twenty-two of the Prescott prisoners, pardoned by his Excellency the Lieutenant-Governor. Colonel McDonnell sent for the magistrates of our village, and stated to them that he had been requested by his Excellency the Lieutenant-Governor to inform them what he had done for these prisoners, and that he earnestly hoped it would have a happy effect in allaying the excitement, which had led to so much trouble and distress to both Governments; and if it should have that tendency, the remaining prisoners, in due time, would receive the benefit of it.

To whom the undersigned magistrates delivered the following note:—

"Sir,—The undersigned feel it a duty and pleasure for themselves, and in behalf of their fellow-citizens, to tender to you, and through you to his Excellency the Lieutenant-Governor and people of Upper Canada, our unfeigned gratitude for the kind and noble exercise of the pardoning prerogative vested in his Excellency, and extended to these our deluded fellow-citizens; and we do assure you that the exercise of this clemency on the part of your government cheers the hearts of us all—a glad smile is lit upon every countenance among us; and we beg you will be pleased to communicate to his Excellency the Lieutenant-Governor, and the people of your province, that the message you have so kindly delivered to us shall be communicated to our fellow-citizens and the public.

"With sentiments of profound respect, we have the honour to be, &c.

(Signed)

"ZENO ALLEN,  
"EDMUND M. LUFF."

The pardoned prisoners, before separating for their respective homes, desirous to make some public acknowledgment of their gratitude, all signed the following article, which they unanimously requested might be published. The act of gratuitously bringing the pardoned prisoners to our shores was magnanimous on the part of the Canadian authorities, and will tend, more than anything that has transpired, to restore that state of friendly feeling and national intercourse and good-will between the people on both sides of the line, which so happily existed previous to the late border troubles.

"We, the undersigned, having this day been released from imprisonment in Fort Henry, Upper Canada, and, by the kindness of the authorities in that province, conveyed in the steamer Commodore Barrie to Sackett's Harbour, feel bound publicly to acknowledge our debt of

gratitude to Sir George Arthur, by whose clemency we have been once more restored to our country and homes.

"Towards us, as well as towards all the other prisoners, the sheriff, his deputy, and all the other officers at Kingston, have extended the utmost kindness and humanity, consistent with their duty to their own Government.

"If any of our countrymen are still so reckless, or so deceived, as to meditate further invasion or hostility against Canada, we admonish them, by all considerations of duty to themselves, their country, and their God, and by their regard for the welfare of those who are still in prison, to dismiss all such wicked feelings and intentions from their minds.

"PRICE SEUTER, Perry, Tennessee Co., N.Y.  
 "CHARLES ALLEN, Oswego.  
 "HIRAM HALE, Lefargeville, Jeff. Co.  
 "JOHN THOMPSON, Morristown, St. Law. Co.  
 "HENRY JOHNSTON, New York City.  
 "LAWTON S. PECK, Brownville, Jeff. Co.  
 "AND. RICHARDSON, Rossie, St. Law. Co.  
 "DAVID GOULD, Alexandria, Jeff. Co.  
 "CORNELIUS GOODRICH, Salina, Mondaya Co.  
 "JOSEPH WAGNER, ditto.  
 "SEBASTIAN MEYER, Rochester.  
 "PETER MEYER, Syracuse.  
 "PHILIP CONRAD, Salina.  
 "CHARLES HORIZ, Lyme, Jeff. Co.  
 "FRANCIS GANYO, Lower Canada.  
 "JUSTICE MERRIAM, Brownville Jeff. Co.  
 "JOSEPH DODGE, Salina.  
 "JOHN O'KOINSKIE, Poland.  
 "ERNEST BARAUCE, ditto.  
 "JEREMIAH WINEGAR, Brownville, Jeff. Co.  
 "HIRAM KINNEY, Palermo, Oswego Co.  
 "JOHN A. BREWSTER, Henderson, Jeff. Co.

"Sackett's Harbour, April 8, 1839."

No. 15.  
 Sir George Arthur  
 to the Marquis of  
 Normanby.  
 17th April, 1839.

(No. 92.)

No. 16.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

Government House, Toronto, 20th April, 1839.

MY LORD,

IN acknowledging the receipt of your Lordship's despatch, No. 14, of the 21st ult., which reached me at late hour last evening, I hasten to assure your Lordship that the approbation you have been pleased to express of the general course of conduct pursued by me, in the treatment of the brigands concerned in the recent invasions of this province, has been highly gratifying.

With reference, however, to your Lordship's suggestion that, "in the event of fresh aggressions rendering it unfortunately necessary to resort to the use of capital punishments, it may be desirable that they should follow the commission of the crime as speedily as may be consistent with the calm and complete investigation of the cases of the several criminals, and then terminate," I would beg leave respectfully to observe, that whilst I most entirely acquiesce in the soundness of the principle upon which this suggestion, regarded as a general proposition, rests, I do entertain doubts of its applicability to that very *peculiar* state of things, which has for some time past existed here.

Under ordinary circumstances the sympathies of mankind are strongly excited in behalf of the individuals who pay with their lives the penalty of their crimes: and every delay in the execution of the sentence, by increasing those compassionate sentiments towards them, has an evident tendency to destroy that effect,—an abhorrence of crime, connected with a doubt of its consequences, which capital punishment is principally intended to produce. In other words, sympathy for the sufferers is, in common cases, the sentiment which most powerfully counteracts the design of punishment; and which, therefore, ought most carefully to be guarded against.

But under the excitement arising from the repeated atrocious attacks upon Upper Canada, the minds of its inhabitants were so far removed from any sentiments of compassion towards the lawless banditti, that the great difficulty—and greater it certainly was than at such a distance your Lordship can well imagine—on the part of the Government was to satisfy the public demand for

No. 16.  
 Sir George Arthur  
 to the Marquis of  
 Normanby.  
 20th April, 1839.





(No. 94.)

No. 17.

COPY of DISPATCH from Lieutenant-Governor Sir GEORGE ARTHUR K.C.H., to the Marquis of NORMANBY.

No. 17.  
Sir George Arthur  
to the Marquis of  
Normanby.  
24th April, 1839.

Government House, Toronto, 24th April, 1839.

MY LORD,

I REGRET to report that the American steam-boat "United States," of painful notoriety, while proceeding up the St. Lawrence, from Ogdensburg, on the evening of the 14th instant, was fired at with musketry, by some imprudent persons who were congregated on the wharf at Prescott, though, fortunately, the vessel, being beyond the range of shot, the consequences which might have otherwise ensued, were averted.

By the earliest opportunity I shall do myself the honour to transmit to your Lordship copies of all papers relating to this matter; but I am obliged to forward my report on at once, in order to secure the conveyance which has offered for its transmission, via Rochester.

Enclosed is a Militia general order, issued on the occasion of what has taken place.

No. 1.  
20th April, 1839.

I should state that, information having reached me on the 13th instant, of a design being entertained by certain residents at Brockville, to fire and to destroy the first American steam-boat which should arrive there, in retaliation for the destruction of the "Sir Robert Peel," I caused a letter to be addressed to Colonels Marshall and Young, the respective commandants at Brockville and Prescott, apprising them of the scheme in project, and desiring, in consequence, that they would take the most prompt and effective measures to prevent its execution.

No. 2.  
13th April, 1839.

While these communications were passing, the imprudent act referred to had been committed; and, on the following morning, it was reported to me by Colonel Young, who had caused an immediate inquiry into the circumstances to be set on foot.

As the result of this investigation, Colonel Young transmitted in the course of the same day a copy of the proceedings of a special session held on the occasion; from which it appeared, that no clue whatever had been found to the offending parties; and it would seem from Colonel Young's statement, that there exists but little chance of this discovery; owing to the abhorrence which prevails among the local community, at the manner in which the vessel in question was employed in the events of November last.

Colonel Young took the precaution of communicating at once with the authorities at Ogdensburg; affording them such explanations as were in his power, and which, he doubted not, would prove satisfactory to them.

I have reported the particulars to Her Majesty's minister at Washington, in anticipation of the inquiries which will of course be made of His Excellency on the subject, by the American government.

This outrage is exceedingly vexatious to me, being calculated to keep alive a spirit of hostility, and to thwart my policy with regard to the prisoners to whom I have been granting pardons; but it is impossible to expect otherwise than that, despite of every precaution, such occurrences will take place before good feeling be permanently restored.

The American government ought certainly to have interfered and to have prevented this obnoxious steamer from so soon again appearing in that particular part of the St. Lawrence, and the obligation imposed on them to do so will be more fully explained to your Lordship by the accompanying copy of a letter which has been addressed to me by Captain Sandom.

No. 3.  
20th April, 1839.

I have, &c.,

(Signed) GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

(Copy.)

Enclosure 1 in No. 17.

MILITARY GENERAL ORDER.

Adjutant-General's Office, Toronto, 20th April, 1839.

His Excellency, the Lieutenant-Governor and Major-General commanding, has received with great concern a report stating that, on the evening of Friday, the 14th instant, as the

Encl. 1 in No. 17



No. 17.  
Sir George Arthur  
to the Marquis of  
Normanby.  
24th April, 1839.  
Encl. 1 in No. 17.

"United States" was leaving the port of Ogdensburg, and proceeding on her trip up the river St. Lawrence, she was fired at by some persons collected in a large crowd at Prescott. Fortunately, that vessel was at too great a distance to receive any injury from the shot, which fell short of her, into the water; yet the act itself proves the mischievous intention of the assembled crowd. Sir George Arthur regrets exceedingly to learn that some of the shots were fired by two or three militia men, who have hitherto escaped detection.

His Excellency has had the most gratifying duty of expressing, on all occasions, his strong approbation of the forbearance and good conduct of the militia. He still anxiously desires to retain the high opinion he has formed of their character as a military body; and if individuals, by such an outrage as the Lieutenant-Governor is now obliged to notice, venture thus to cast a slur upon the reputation the militia of Upper Canada have gained for discipline and subordination, they may be assured, that every means will be adopted to discover the offenders and bring them to justice.

By command,  
(Signed) RICHARD BULLOCK, A.G.M.

(Copy.)

Enclosure 2 in No. 17.

LETTER addressed to Colonels MARSHALL and YOUNG.

SIR,

Government House, Toronto, 13th April, 1839.

Encl. 2 in No. 17.

Information having reached the Lieutenant-Governor that certain persons residing at Brockville entertained the design of firing and destroying the first American steam-boat that shall touch at that port, in retaliation for the destruction of the "Sir Robert Peel," his Excellency directs me to put you on your guard against such a scheme, and to request that you will take the most prompt and effective measures for preventing the execution of a project which would be attended with the most perplexing embarrassments.

I am desired to call your most earnest attention to this matter, and to beg that you will confer with some of the principal inhabitants upon it.

I have, &c.,  
(Signed) JOHN MACAULAY.

Colonel Young, Commandant, Prescott.

(Copy.)

Enclosure 3 in No. 17.

LETTER from Captain SANDOM, R.N. to Sir GEORGE ARTHUR.

SIR,

Dock Yard, Kingston, 20th April, 1839.

Encl. 3 in No. 17.

Finding, contrary to my expectations, that the "United States" merchant steam-vessel is again appearing on her accustomed route of last year, I deem it my duty to bring to your Excellency's notice certain facts relative to the movements of that vessel, and the part she bore in collecting the brigands who were landed near Prescott, in November last. On the 11th of November (two days previous to the landing of the rebels) I knew their movements, and despatched the "Cobourg" steam-vessel to Sackett's harbour, with a letter to Colonel Worth (the officer commanding that district, and with whom I was directed to co-operate for the preservation of tranquillity), begging him to unite with me for the apprehension of the turbulent who were assembled on board two schooners in a small bay which I pointed out: adverse winds prevented my reaching the rendezvous I gave the Colonel till some hours after the "United States" steam-vessel had called off Mollin's Bay, and taken with her the two schooners filled with the evil-disposed, who were the following day landed from them, and also from the "United States," near Prescott.

On communicating with Colonel Worth, on the morning of the 12th (finding the brigands had escaped us), he decided on proceeding down towards French Creek and Ogdensburg, while I went over to the British side with the steam-vessels then under my command, to ascertain further particulars. On learning, towards the evening, that a hostile landing had taken place, I immediately proceeded down towards Prescott, and when approaching Ogdensburg, after dark, met the steam-vessel "Telegraph" coming towards my ship. Colonel Worth then communicated the fact of the landing which had taken place, and informed me, by one of my officers, that the Marshal of the State, then on board and acting with him, had seized two schooners and the "United States" steam-vessel, for a breach of the laws in the outrage they had that day committed, and that they would be forfeited to the State, and never be allowed again to pursue their accustomed avocations. Upon this understanding and assurance, from an officer of Colonel Worth's reputation, I felt it my duty, subsequently, to allow these vessels to pass, which I should otherwise have seized and brought before a British tribunal for judgment on the piratical act they had been mainly instrumental in effecting. I now, therefore, beg to submit to your Excellency the propriety and justice of the American Government being called upon to redeem the pledge given to me by Colonel Worth, that the steam-vessel so seized by the Marshal of the State would be condemned for a breach of the laws of nations, and that she would never be permitted to resume her accustomed avocations.

I have, &c.,  
(Signed) WILLIAM SANDOM.

His Excellency Major-Gen. Sir George Arthur, K.C.H.  
&c., &c., &c.

(No. 99.)

No. 18.

COPY of a DESPATCH from Lieutenant Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 7th May, 1839.

I do myself the honour to transmit to your Lordship the accompanying copy of a despatch addressed by me to Mr. Fox, relating the particulars of a recent outrage committed by some of our militia, on board the American schooner, "Stephen Gerrard," whilst that vessel was passing through the lock of the Welland Canal, at Port Colborne, on her way to Cleveland, in the state of Ohio.

After the vexatious occurrence respecting the American steam-boat "United States," which I reported to your Lordship in my despatch, No. 94, of the 24th ultimo, it is with increased regret that I bring before you this still more unjustifiable proceeding; nor can I too deeply lament the existence of the state of public feeling in which it has originated.

The promptness, however, with which reparation for the injury was made to the captain of the vessel, has perhaps given, upon the whole, rather a favourable turn to the affair than otherwise; and good, I hope, will result from the evil.

Conjointly with this matter, I beg to invite your Lordship's attention to the circumstances stated in the inclosure, with reference to an occurrence which took place at Rochester, a few days since, on board our own steam-boat "Traveller," and which are of a nature, as your Lordship will very readily perceive, wholly to preclude our vessels from proceeding to the American ports for some time to come, since their owners would fear their destruction.

I have, &amp;c.

(Signed) GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

No. 18.  
Sir George Arthur  
to the Marquis of  
Normanby.  
7th May, 1839

Enclosure 1 in No. 18.

(Copy.)

Government House, Toronto, 2nd May, 1839.

SIR,

ANOTHER of those occurrences which the present state of public feeling has a strong tendency to originate, and which however slight may be their immediate cause, are always liable to be attended with the most serious consequences, lately took place at Port Colborne; and though I have good reason to believe that the prompt measures which were adopted to repair the wrong committed by us, have been completely successful, I am yet induced, under the influence of a desire to make your Excellency acquainted with every event that can in any way affect our relations with the Government of the United States of America, to trouble you with a short account of this unpleasant affair.

A schooner, the "Stephen Gerrard," belonging to Oswego, whilst passing through the lock of the Welland canal at Port Colborne, on her way to Cleveland, on the evening of the 22nd ultimo, was boarded by some privates of our embodied militia, who grossly insulted the master, and compelled him to throw his flag, the halliards of which they had previously cut, on the shore. They also endeavoured to prevent the progress of the vessel through the lock, and in this attempt her jolly-boat was crushed and materially injured.

It should be mentioned, that the regiment to which the aggressors belonged, was on the point of being disbanded, and that the men having been drinking freely, many of them were in a state of intoxication.

On this outrage being reported to Lieutenant Colonel Baldwin, the commanding officer of the 6th Provisional Battalion of Militia, he immediately despatched a person in a canoe to restore the flag, and to offer a suitable apology for the improper conduct of the soldiers; who had been instantly placed in confinement with a view to their trial and punishment, but owing to the advanced state of the evening, the canoe was not able to reach the schooner, and returned without having accomplished the object for which it had been sent. A subscription was, however, directly entered upon by the officers of the corps, and the sum of 15*l.* contributed by them, which was sent on the following morning to the master of the schooner, with a letter, whereof I inclose a copy, expressive of their deep concern at the indignity to which he had been exposed, and entreating him to accept the 15*l.* to purchase a new flag for his vessel; the flag which had been taken from him was at the same time restored, and an assurance also given that adequate punishment would be inflicted on the offending parties.

The effect of this early tender of reparation seems to have *perfectly satisfied* the master of the vessel, who at first declined the pecuniary compensation altogether; but afterwards con-

Enc! 1 in No. 18.



No. 18.  
Sir George Arthur  
to the Marquis of  
Normanby.  
7th May, 1839.  
Encl. 1 in No. 18.

29th April.

sented to take 5*l* to repair the damage to his jolly-boat. There is, no longer, therefore, the least ground for apprehending any bad result from a transaction which might have called forth very angry feelings, and led to some violent retaliatory acts, had the vessel reached Cleveland before the *amende honorable* had been made. Viewing it in this light, and ignorant of the judicious steps that had been taken by Lieutenant Colonel Baldwin to repair the wrong, I despatched an intelligent officer of the 43rd regiment to Cleveland, to make a correct representation of the facts of the case, and to invite the master of the schooner, under a pledge of protection and kind treatment, to come here for the purpose of instituting legal proceedings against the authors of the outrage.

This officer, returned last night, with a letter from the collector at Cleveland, and by the enclosed copy of it, your Excellency will perceive that our promptness in affording reparation has given great satisfaction.

In reviewing this transaction, your Excellency will, I am persuaded, be much pleased with the manner in which it has terminated; and you will perhaps deem the alacrity which has been manifested by a community still suffering severely from the repeated aggressions of numerous American banditti, to make compensation for a little wrong done to an American vessel, a circumstance of some importance, as affording a striking contrast to the supineness with which the American Government, as well as the American people, have witnessed the enormities of their border population, without employing any adequate means either to prevent or to redress them.

I must next beg leave to draw your Excellency's attention to the accompanying copy of the deposition of the master of our steam-boat "Traveller," detailing the particulars of a proceeding which lately took place at Rochester. The search that was instituted for two men who were alleged to be in confinement on board the "Traveller," was probably warranted by the laws of America, and consequently does not furnish a ground of complaint; but it does appear to me a matter of surprise that such a person as Mackenzie should have been permitted to bear a part in those proceedings, and that he should be allowed to continue his iniquitous efforts to foment measures of a nature to bring on hostilities between the two countries.

I have, &c.

(Signed.)

GEO. ARTHUR.

To His Excellency H. S. Fox,  
&c. &c. &c.

(Copy.)

Enclosure 2 in No. 18.

Colonel BALDWIN to the Master of the "Stephen Girard."

Encl. 2 in No. 18.

SIR,

Port Colborne, 23rd April, 1839.

I HAVE the honour to inform you that, having called a meeting of the officers of this battalion on the subject of the outrage offered to your vessel and flag last night at this port, it was unanimously resolved that a subscription should be raised from amongst themselves forthwith, to purchase a new colour for your schooner, which they request your acceptance of, and beg of you to receive the assurance of their deep and unfeigned regret at an occurrence so calculated to destroy confidence, and interrupt the return of better feelings on this frontier.

In conveying to you this expression of their sentiments and feelings, I beg to assure you that by no one is the late transaction more deeply deplored than by myself, and that I am extremely grieved that I was not apprized of it in time to offer you my apology before you quitted the shore.

On learning of it, although the weather was hazy, night setting in, and no boat at hand, I despatched a canoe with two men to return you the flag, and express my deep regret at the affair.

I immediately placed in confinement those charged with the offence, and have instituted an inquiry relative to it.

Trusting that you will receive this unanimous and immediate reprobation of this transaction from the officers of this battalion, together with the new colour, as an earnest desire on our part to repair the injury inflicted.

I have, &c.

(Signed)

C. J. BALDWIN,  
Col. Com. 6th Pro. Batt.

To Captain Thyan, of the Stephen Girard.

(Copy.)

Enclosure 3 in No. 18.

Encl. 3 in No. 18.

DEAR SIR,

Government House, Toronto, 25th April, 1839.

By a letter from the Collector of the Customs at Port Colborne, a copy of which is enclosed for your information, it appears that on Monday last a most disgraceful outrage was committed by some drunken militiamen of the 6th regiment of incorporated militia on an American schooner on her way from Oswego to Cleveland.

It is unnecessary for me to say how much his Excellency regrets this occurrence, and how anxious he is to avert those consequences which it has a necessary tendency to produce.

Under the influence of this feeling he desires me to request that you will proceed immediately to Cleveland, and use your best exertions to allay the ferment to which this reprehensible proceeding will most probably give rise. For this purpose you are furnished with a letter to the Collector there; and his Excellency begs that you will urge every argument which may seem to you calculated to remove resentment of the past transaction, and to inspire confidence in the good treatment which American vessels will hereafter be sure of experiencing in our ports.

The experience his Excellency has already had of your prudence and intelligence supercedes the necessity for any specific instructions for your guidance: and I am accordingly directed to commit the management of this affair entirely to your discretion; merely suggesting that the points principally to be attended to are:—1st, To place this matter in its true light, by representing it faithfully in the manner in which it actually occurred; 2ndly, To convince the American authorities that this Government is anxious to punish the authors of this outrage; and 3rdly, To invite the master of the schooner to come to Toronto to give evidence against them.

Believe me, &c.

(Signed)

R. A. TUCKER.

Lieut. Jones, 43rd Regiment, Drummondville.

No. 18.  
Sir George Arthur  
to the Marquis of  
Normanby.

7th May, 1839

Encl. 3 in No. 18.

(Copy.)

Enclosure 4 in No. 18.

SIR,

Port Colborne, 24th April, 1839.

Encl. 4 in No. 18

I HAVE the honour to report to you that on the evening of the 22nd instant an American vessel, the "Stephen Girard," bound from Oswego to Cleveland, and having been duly examined at Port Dalhousie, and on arriving at this place having shown her papers, and regularly cleared for Cleveland, while passing through the lock several soldiers of the 6th provisional battalion attempted to close the lower lock-gate upon her, by which her boat was materially injured or destroyed. A number of soldiers then went on board of the said vessel, and ordered the master to pull down his flag. On his refusing to do so they pulled it down themselves, and ordered him to throw it on shore, which was done.

I deeply regret to state that I have been informed that two officers of that corps were present and witnessed this disgraceful outrage upon an unoffending crew, and did not attempt to prevent it.

I had been on duty all that day, and had gone a short distance from the scene of the above-mentioned occurrence, leaving the deputy in charge. That officer reported to me that he saw the transaction, but dared not to interfere, as he was afraid of his life from the extreme violence of the aggressors.

I sincerely regret this occurrence, and am fearful it will have an injurious effect on the trade of the country. At the same time must observe, that I could neither foresee or prevent such an event, and that no blame can be attached to myself or the deputy collector, as the military took the power out of our hands. I would also state that the names of the persons who were witnesses of this outrage will be furnished if required.

I humbly beg leave to suggest that, to prevent a repetition of such disgraceful scenes, whether an order should not be issued forbidding all military officers or soldiers from going on board of any American vessel while laying in, or peaceably passing through, the Welland Canal.

I have also to observe that my office-hours were legally closed, it being six o'clock P.M. when this affair occurred.

You will have the goodness to lay this report before his Excellency.

I have, &c.

(Signed)

WALTER B. SHEEMAN, Collector.

The Hon. John Macaulay, &c. &c.

P.S.—I am since informed that the officers of the said battalion have made up the sum of fifteen pounds, and sent an officer to present it to the master of the American vessel as an atonement for the injury done him.

(Signed)

W. B. S.

(Copy.)

Enclosure 5 in No. 18.

Mr. TUCKER to the COLLECTOR at Cleveland.

SIR,

Government House, 25th April, 1839.

Encl. 5 in No. 18.

AN account has just reached the Lieutenant-Governor that a gross insult was offered by some militia-men on Monday last to the master of the American schooner "Stephen Girard," of Oswego, whilst that vessel was lying at Port Colborne on her way to Cleveland. No official report of this reprehensible proceeding has yet been received; but, by a letter from the collector at Port Colborne to a director of the Welland Canal, it would appear that some militia-men, in a state of intoxication, boarded the vessel, cut the pendant halliards, and by threatening language compelled the master to throw them on the shore. They also endeavoured to impede the progress of the "Stephen Girard" through the canal, and in this attempt her jolly-boat was materially injured.



No. 18.  
Sir George Arthur  
to the Marquis of  
Normanby.  
7th May, 1839.  
Encl. 5 in No. 18.

His Excellency trusts that it can hardly be necessary for him to express the great concern he feels on this occasion; nor is it his wish to palliate an offence the commission of which has excited his highest displeasure.

He hopes, however, that you will do everything in your power to allay the angry feelings to which such an outrage is calculated to give rise; and, by the publication of a true statement of the facts of the case, to divest it of that false colouring with which it will probably at first be represented. It will likewise, perhaps, be regarded by you as a part of your duty to direct the attention of your countrymen to those lawless and cruel aggressions on this province, which have provoked an act of a retaliating character from a few drunken soldiers; and his Excellency doubts not but that every proper means will be employed by the public functionaries at Cleveland to compose and tranquillize the public mind. In the same spirit he authorizes me to assure you, that the perpetrators of this outrage shall be visited with the severest punishment our laws will permit; and that such effectual measures shall immediately be adopted to prevent its recurrence as will enable your vessels to pass through our canals without the slightest danger of interruption or annoyance of any kind. For your further satisfaction on this point, his Excellency has directed an intelligent officer to proceed instantly to Cleveland to afford every explanation that can reasonably be required on the subject of my present communication. I have only to add, that it is the particular desire of the Lieutenant-Governor that the master of the "Stephen Girard" should come here to substantiate the charges against the militiamen, who are now under confinement, and that he may rely on experiencing protection and kind treatment from us.

I have, &c.  
(Signed) R. A. TUCKER, Provl. Sec.

——— Starkweather, Esq.  
Collector of Customs, Cleveland.

(Copy.)

Enclosure 6 in No. 18.

SIR,

Custom-house, Cleveland, Ohio, April 29th, 1839.

Encl. 6 in No. 18.

I HAVE the honour to acknowledge the receipt of your letter of the 25th instant, by Lieutenant Jones, special messenger of Lieutenant-Governor Arthur, relating to the outrage lately committed by some Canadian militiamen on the master of the American schooner "Stephen Girard," while passing through the Welland Canal on her passage from Oswego to Cleveland. In relation to the same affair, letters had previously been received in this place, addressed to Captain Hugunin, the master of that vessel, by J. Black, collector at Port Colborne, and by Lieutenant-Colonel Baldwin, commanding the battalion to whom those "militiamen" were attached, expressing the indignation of the officers of that battalion at the outrage referred to, and giving assurance that full indemnity would be rendered for the injuries sustained, that the offenders would be signally punished, and a repetition of any similar offence strictly guarded against.

These letters were published in our newspapers, together with a true account of the transaction, and had the effect immediately to tranquillize the public mind, and to allay fears as to any future disturbance of our commerce on the Welland Canal, which, I am happy to say, will not receive the slightest interruption growing out of that unfortunate affair.

The extreme displeasure manifested by the Lieutenant-Governor of your province, in relation to this matter, and his solicitude, and his extraordinary efforts to bring the offenders to speedy justice, afford the most gratifying evidence that, however great may have been the provocations which the recent lawless aggressions of some of our citizens have produced, the Canadian authorities are determined to suppress all attempts at retaliation, and to afford the most ample protection to the peaceable intercourse of our citizens with the people of your province.

Captain Hugunin, in obedience to the wishes of his Excellency Governor Arthur, will proceed without delay to Toronto, to appear as a witness on the trial of the militiamen who committed the outrage referred to.

I have, &c.  
(Signed) SAML. STARKWEATHER  
Coll. of Customs.

R. A. Tucker, Esq.,  
Provincial Secretary.

(Copy.)

Enclosure 7 in No. 18.

DEPOSITION of Captain SUTHERLAND.

Upper Canada, 27th April, 1839.

Encl. 7 in No. 18.

BE it remembered that on this 27th day of April, in the year of our Lord 1839, before His Excellency Sir George Arthur, Lieut.-Governor of the Province of Upper Canada, in the Executive Council of the said province, personally came and appeared, James Sutherland, mariner, master of the steam-boat Traveller, who, being duly sworn, deposeth and saith as follows, that is to say:—

The steam-boat Traveller, commanded by me, and owned by the Hon. John Hamilton, has made two trips down the lake, in the course of which she called twice at the city of Rochester in the State of New York; the first time we arrived in Rochester, on Tuesday morning last, we were received in a friendly manner, and no insult or outrage was offered;

on the contrary, we were assured by the respectable merchants of the place that we should be protected and should be in no danger of insult or injury.

On the last occasion of putting in to Rochester, I arrived there about six o'clock in the morning of yesterday; I landed my passengers and reported the vessel to the collector, after which I removed the boat to another wharf and went to bed. About ten o'clock the clerk of the boat called me, who said that the collector was on board, who stated that it was reported to the authorities in town that I had two prisoners on board in chains; I told the clerk to allow the collector to search the boat, which he did, and went on shore. I then got up and came on deck; shortly after the steward came running to tell me that the sheriff, some constables, and William Lyon Mackenzie were coming; they came on board, and a person calling himself the deputy sheriff handed me the annexed paper, and asked if I had any prisoners on board? I said he was at liberty to examine the vessel; I turned and observed to Mackenzie that it was nice amusement for him to be annoying me in this manner. They examined the ladies' cabin, and were proceeding to the examination of the other parts of the boat, when I was told that a party of armed men were coming down. I remonstrated with the deputy sheriff, who observed that he was not armed. A number of armed men to the amount of thirty or thereabouts came down; they left their rifles on shore and came on board. Mackenzie, I was informed, had pistols. The deputy sheriff said that they merely intended to search the boat, and on my observing that I had the steam up and would move off, he recommended me strongly not to do so.

I asked what prisoners he expected we had on board, and he answered, unfortunate prisoners from the Windsor affair, supposed to be on their way to Van Diemen's Land; I asked Mackenzie whether he really thought we were so foolish as to bring our prisoners into the State of New York? and he answered that he did not think we were.

We had brought two deserters from Hamilton to Toronto that day, which circumstance may have suggested the proceeding; these were deserters.

I saw several armed men on the top of the high bank, and I was told there were a great many there armed with rifles and fowling-pieces.

I thought we were in much danger of the boat being destroyed on any popular expression of feeling: there was no force there to protect us, and I think the boat cannot go into Rochester again without great danger.

(Signed) JAMES SUTHERLAND,  
Commander S. B. Traveller.

Sworn before the Executive Council,  
(Signed) WILLIAM H. LEE, Acting C. E. C.

(Copy.)

SIR,

S. B. Traveller, Toronto, April 26th, 1839.

I HAVE to inform you that I arrived at Rochester yesterday morning between 5 and 6 o'clock, and being very unwell I went to bed; about ten o'clock Mr. Harrison informed me that the collector was on board, and who stated that information had been given to the authorities that there were two men confined in irons, and that he wished to search the vessel, to see if such was the case or not. I requested him to be *particular*, and examine every part, which he did; and he had only left the boat a few minutes before the deputy sheriff and six or seven constables came on board, and William Lyon Mackenzie accompanied them; they handed me a writ to deliver up the men; I requested them to search the boat, and told Mackenzie that this annoyance came from him, which he denied. They made a very strict search, and whilst they were doing so a party of Mackenzie's men assembled, armed with daggers, pistols, and rifles, which latter were left on shore; I did not feel much alarmed; Mackenzie had two pair of pistols and I think a bowie knife about him. I said very little to him, but what I did say he did not seem to like. The collector and three gentlemen came and remained on board until I started; the deputy sheriff and constables were very civil, and they all went away apparently satisfied, although sadly disappointed.

As soon as Messrs. Avery and Hawks heard of it, they came down and expressed their sorrow at the annoyance I had received, and said it would act very much against M'Kenzie, and they were very glad to find that I had not (as I once thought of doing) started off. Rochester was in quite an agitated state, and if I had attempted to have started without being searched, it is more than probable I would not now be writing to you; and now Mr. Hamilton, from what I have seen and heard, and am also aware of the proffers of friendship and protection to the boat made to yourself I can plainly see it would have no effect; the mob can do just as they please; and it is my candid opinion that, if you continue to run the "Traveller" to an American port, you will lose her before long. I am perfectly satisfied that I cannot be mistaken in this opinion. It would, I think, be better to lay the boat up than run this risk; her services will very likely be wanted next winter by Government, and I do think that M'Kenzie is determined to have her out of the way before that time. I send the boy Dennis across with this to you, as I wish you to get it as soon as possible, and would like (if possible) to see you. I have a very sore throat and breast, and do not mean to go up with the boat to Hamilton; and if I do not feel better on Monday, will be obliged to remain on shore, which I do not wish at this time. Dennis can come by stage to Hamilton. Trusting this may find yourself and family well,

I remain, &c.  
(Signed) JAMES SUTHERLAND,  
Com. S. B. Traveller.

No. 18.  
Sir George Arthur,  
to the Marquis of  
Normanby.  
7th May, 1839.  
Encl. 7 in No. 18



No. 18.  
Sir George Arthur  
to the Marquis of  
Normanby.  
7th May, 1839.  
Encl. 7 in No. 18.

(Copy.)

The people of the State of New York to James Sutherland, of the boat "Traveller."

We command you that you have the bodies of John Doe and Richard Roe, two persons now on board the boat of which you are captain, or commandant, called the "Traveller," by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name the said John Doe and Richard Roe shall be called or charged before Ashley Sampson, Esquire, first judge of Monroe County, at his office in the city of Rochester, immediately on the receipt of this writ, to do and hear what shall then and there be considered concerning the said John Doe and Richard Roe, or either of them, and have you then there this writ.

Witness Samuel Nelson, Esquire, chief justice of the supreme court of the people of the State of New York, at the capitol in the city of Albany, the first Monday in January, 1839.

(Signed)

PARK and HALLETT, clerks,  
H. L. STRONG, attorney.

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No. 19.

(No. 100.)

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 7th May, 1839.

No. 19.  
Sir George Arthur  
to the Marquis of  
Normanby.  
7th May, 1839.

IN my Despatch, No. 74, of the 2nd ultimo, I transmitted to your Lordship a copy of a letter which I had caused to be addressed to the Secretary of State for the State of New York, informing him of the desire of this Government to extend a free pardon to the further number of fifty-two of the American delinquents in our custody, provided that circumstances would allow of their release; and in my Despatch, No. 92, of the 20th ultimo, I transmitted a copy of the letter which had been received from that officer in reply, and the contents of which had determined me to carry the proposed measure into effect.

I have now the honour to report that the fifty-two prisoners in question have been liberated; and that, in addition, nine brigands, who were severely wounded at the affair at Prescott, and who were retained in the hospital at Kingston, have been permitted to return to the United States.

No. 1.  
22nd April, 1839.  
No. 2  
29th April, 1839.

Enclosed is a copy of a second letter from the Provincial Secretary to the Secretary for the State of New York, communicating the particulars, and also of the reply of the latter officer thereto.

Judging by this reply Her Majesty's Government will no doubt entertain the reasonable expectation, that the measure taken will be productive of the best possible results, in bringing about a more cordial feeling towards the Canadian people on the part of the American citizens.

I have no doubt, indeed, that among the more respectable class of citizens it has already produced the best possible effect; but I wish it to be distinctly understood by Her Majesty's Government that I am by no means sanguine in my expectation of the exercise of such an influence as regards that class of lawless people who are still roving about the opposite frontier.

I have, &amp;c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

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Enclosure 1 in No. 19.

(Copy.)

Mr. SPENCER to Mr. TUCKER.

Encl. 1 in No. 19.

SIR,

Government House, Toronto, 22nd April, 1839.

IN further reference to the subject of my letter of the 28th ultimo, I have now the honour to inform you, that on the receipt of your answer to my communication in which you so forcibly express, on the part of Governor Seward, the high value which his Excellency attaches to the act of clemency intended to be exercised towards the younger portion of the banditti captured in the recent attempts to invade this province, whenever such a measure might seem compatible with the security and welfare of the inhabitants of Upper Canada, his Excellency Sir George Arthur instantly determined to carry that merciful measure into immediate operation, and to trust entirely to the tendency which such a proceeding naturally

has to awaken better feelings towards us than have for some time past been exhibited by a large part of your border population.

I am accordingly instructed to acquaint you, for the information of Governor Seward, that orders have already been issued to the Sheriffs of the Midland and London districts for the liberation of all the brigands whose names were transmitted to you by me on the 28th ultimo, with the exception of Jacob Paddock, whose conduct during the whole period of his confinement has been reported to be such as necessarily to exclude him from a participation in the indulgence which has been extended to all the other prisoners of his own age. In lieu of this profligate youth, whose case is reserved for future consideration, a free pardon has, however, been granted to Lawrence O'Reilly, on a strong recommendation in his favour from Sheriff M'Donell, and no reduction has consequently taken place in the *number*, although there has been a slight change in the individuals previously intended to be liberated.

I have also great satisfaction in apprising you, that the nine brigands, whose names are inserted in the margin, who were severely wounded in the affair at Prescott, and retained in the hospital at Kingston until they were cured, have likewise been permitted to return to the State of New York.

J. C. Spencer, Esq.,  
Secretary of State for the State of New York.

I have, &c.  
(Signed) R. A. TUCKER,  
Provincial Secretary.

No. 19.  
Sir George Arthur  
to the Marquis of  
Normanby.  
7th May, 1839.  
Encl. 1 in No. 19.

Lorenzo E. Finney  
Oliver Aubrey  
Orson Rogers  
Selah Evans  
Hiram Colton  
Giles Thomas  
Philip Alger  
Jacques Herod,  
Frederick Male.

(Copy.)

Enclosure 2 in No. 19.

Mr. SPENCER to Mr. TUCKER.

State of New York, Secretary's Office,  
Albany, 29th April, 1839.

SIR,

YOUR letter of the 22nd instant was received this day, and has been laid before Governor Seward. It gives me pleasure to communicate to you the great satisfaction he feels at the prompt and merciful interference of Sir George Arthur, in behalf of the unfortunate men mentioned in your letter, whom he has so generously restored to their families. That he should have pardoned nine others, in addition to those mentioned in your former communication, shows how much he is disposed to prefer mercy to rigour, whenever he can do so consistently with his duty.

It is impossible that these magnanimous acts of the Lieutenant-Governor of Upper Canada should fail to make a suitable impression, and to convince all how much better it is to cultivate those feelings of amity which should subsist between Christians and the descendants of Englishmen, and to maintain the reciprocal regard for each other's rights, enjoined by existing national obligations upon both countries, than to produce individual suffering, and hazard the common prosperity, by the violation of those obligations.

Robert Tucker, Esq.,  
Provincial Secretary, &c.

I have, &c.  
(Signed) JOHN C. SPENCER.  
Secretary of State.

Encl 2 in No. 19.

No. 20.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

(No. 101.)

MY LORD,

Upper Canada, Toronto, 8th May, 1839.

I REGRET to inform your Lordship that the Upper Canada Mail was robbed a few nights since, between Kingston and Gananoque, by a party of armed men, who are supposed to have crossed for the purpose from the United States, and who, at all events, appear to have since sought refuge there.

I have the honour to enclose herewith a copy of a letter to the provincial secretary, from Mr. W. H. Griffin, post-office surveyor for the eastern district, reporting the particulars of the occurrence, and showing that three notorious characters, named Kelly, Smith, and Farrar, who have been living for some time past on Grindstone Island, nearly opposite French Creek, and within the jurisdiction of the Republic, are strongly suspected to be the perpetrators of the outrage.

I have further the honour to enclose a copy of the provincial secretary's answer to this communication, and also of a letter addressed by him, in consequence, to the Secretary of State for the State of New York, representing

No. 20.  
Sir George Arthur  
to the Marquis of  
Normanby.  
8th May, 1839.

No. 1.  
Toronto, 6th May,  
1839.

No. 2.  
6th May, 1839.  
No. 3.  
May 6th, 1839.



No. 20.  
Sir George Arthur  
to the Marquis of  
Normanby.  
8th May, 1839.

the circumstances of the case, and requesting the local executive to employ such means as are at its disposal, to discover the delinquents, and insure their brought to justice.

Mr. Griffin has proceeded to Albany, with a view to afford any further explanations that may be required, and to institute a personal investigation of the matter, conjointly with the authorities.

I have apprised Her Majesty's minister at Washington of these particulars, in case he should consider it advisable to communicate at once with the federal government upon the subject; and I do not doubt Mr. Fox's entire concurrence in the propriety of the preliminary step which I have taken in transmitting an account of the affair to Albany.

An occurrence of this nature is the more calculated to excite irritation in the public mind, from the number of individual interests that suffer by it. It is mortifying to me, that it has taken place at a moment when I am exposed to the attack of a party who are opposed to the course of lenity which has been lately shown to the brigands who have been liberated; though it in no way alters my opinion as to the propriety of that measure.

Judging by the tone of the recent letters from the Secretary of State for the State of New York, with respect to the released prisoners, (of which copies have been transmitted to your Lordship,) I indulge a hope that a sense of gratitude will combine with a sense of justice, to insure the cordial co-operation of the authorities on the present occasion; and it will be very satisfactory to me, to be allowed an opportunity of reporting to your Lordship that this reasonable anticipation has been fulfilled.

There is a ferocious border population who will leave no effort unattempted to bring on a national conflict; but, by firmness and vigilance, if the authorities in the States can be drawn to a cordial co-operation, this wicked design will be, I trust, defeated.

I have, &c.,

(Signed) GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

(Copy.)

Enclosure 1 in No. 20.

Mr. GRIFFIN to Mr. TUCKER.

SIR,

Toronto City, 6th May, 1837.

Encl. 1 in No. 20.

I BEG leave to report you, for the information of his Excellency the Lieutenant-Governor, the result of the inquiry instituted by me into the circumstances attending the robbery of the Upper Canada mail, between Kingston and Gananoque, on the night of the 25th ult.

On the night in question the courier was stopped, about half a mile below Grass Creek (fourteen miles below Kingston), by three men, who tied him to the waggon, took out the horse, and placing the mail bags on his back, carried them by a bye track from the main road nearly to the mouth of Grass Creek, from whence they turned the animal back. Having a rifle at his breast during the perpetration of the crime, the courier was so much alarmed by their menaces, that he is unable to describe the personal appearance of the men with much minuteness; one, he says, was tall and stout, with a swarthy Indian complexion; they told him to say that Bill Johnston had taken the mail. The courier in half an hour succeeded in disengaging himself from his bonds, and alarmed the farmers in the neighbourhood, and the horse-tracks were traced to the creek.

On Wednesday morning, the day preceding that of the robbery, a man living near the Grass Creek, named Denis Root, going down the bye track above alluded to, encountered, just where it crosses the creek, *three* men in the act of stepping out of a long *red* skiff; they were strangers to him; he had some conversation with them. One was a tall, stout, dark-complexioned man, and seemed the leader.\* This man told Root that they were hunting musk-rats, which Root thought strange, as they were not equipped for rat hunting. He asked Root at what time the mail passed there, going up and down, professing an intention of going to Kingston by it. Root left them there. On the next morning, Thursday, passing in his waggon along the main road, he met one of the three men again, with a bottle in his hand; at the latter's request, Root directed them to a tavern. Root saw nothing more of them.

On Thursday evening, about six o'clock, these three men entered the house of a farmer named Rice, who lives near the mouth of Grass Creek, and asked for supper; this was furnished to them, and they remained until after dark. They told Rice they were rat hunting. About half-past eight, P.M., they left Rice's, and have not been seen by any one in that vicinity since. Between the hours of eleven and twelve that night the mail was robbed.

\* He had a rifle in his hand, and a musket was lying in the skiff.

At about nine o'clock, P.M., some lads, going out fishing, saw drawn up at the mouth of Grass Creek, a strange skiff of the same dimensions with that seen by Root on the previous day. The lads had a better opportunity of examining it, and say, that it was painted in a peculiar manner, *red inside, and pale-red outside, with black streaks*, looking like the skiffs used by Bill Johnston's gang last summer.\* The unusual appearance of the skiff attracted their notice; at half-past twelve they returned from fishing, and the skiff was gone. Some persons were out on the river fishing that night, some two or three miles below the mouth of Grass Creek, and saw, about twelve o'clock, a *long skiff* pass down the river with surprising swiftness.

From a comparison of the descriptions given, the three men conversed with by Root were unquestionably the same three who, about three hours before the robbery, left Rice's house, going towards the creek. Their names I am informed, are *Robert Kelly, Robert Smith, and John Farrar*; they have for some time past all lived on *Grindstone Island*, nearly opposite French Creek, and within the American waters; the two latter, I am informed, were concerned in the piracy on the "Sir Robert Peel;" Kelly is a man of more remarkable appearance than the other two, and answers the description given of the leader of the three fellows by Root and Rice.

A man belonging to French Creek, having a claim against Kelly, went over to Grindstone Island four or five days after the robbery, and obtained immediate payment of the debt in notes of the Commercial Bank of Upper Canada; in paying this money, Kelly took out of his pocket a large roll of bank notes, the man says, two or three inches thick: he thinks, from what he could see, that it was all "Canada money."

The evidence of guilt attaching to these three men is, I conceive, amply sufficient to warrant their apprehension, and a search of their haunts, with a view to the obtaining further and more direct evidence by the discovery of some portion of the contents of the mail bags, which would probably result from such a measure.

But as their lurking place is within the territory of the United States, it will of course be necessary that these measures should proceed from the authorities of the State of New York, and I beg respectfully to solicit his Excellency's advice and aid in making such application to obtain this co-operation as his Excellency may deem proper.

I beg permission to acquaint his Excellency that I have been materially assisted in my researches by some of the respectable inhabitants of French Creek, and would have proceeded to lay information before the local magistrates there, but that, in the present state of the frontier, it appeared doubtful whether they might be willing to encounter the arduous task of prosecuting inquiries regarding the dangerous characters lurking about the thousand islands upon their own responsibility.

I have, &c.

(Signed) W. H. GRIFFIN,  
Post Office Surveyor of Lower Canada and Eastern  
Division of Upper Canada.

P.S. I have offered a reward of 800 dollars for such information as may produce the apprehension and conviction of the robbers.

The Hon. R. A. Tucker,  
Provincial Secretary, &c. &c. &c.

No. 20.  
Sir George Arthur  
to the Marquis of  
Normanby.  
8th May, 1839.  
Encl. 1 in No. 20.

(Copy.)

Enclosure 2 in No. 20.

MR. TUCKER to MR. H. GRIFFIN.

SIR,

Government House, 6th May, 1839.

IN reply to your communication of this date, respecting the robbery of the Upper Canada mail, between Kingston and Gannanogue, on the night of the 25th ult., I am directed by the Lieut.-Governor to inform you, that on an attentive consideration of the several particulars detailed by you, it is his Excellency's opinion that it is desirable you should repair to Albany, and endeavour to obtain the co-operation and assistance of the Government of the State of New York in the further investigation of all the circumstances connected with a transaction which calls for the strictest examination.

For this purpose I am instructed to forward you the accompanying letter, to be presented by you to Mr. Spencer, the Secretary of State for the State of New York, who, there is every reason to believe, will be sincerely disposed to promote the object of your journey by every means which the constitution and laws of his country will permit him to employ.

I have, &c.

(Signed) R. A. TUCKER, Provincial Secretary.

G. H. Griffin, Esq., Post-office Surveyor,  
&c. &c. &c.

Encl. 2 in No. 20.

\* Such a skiff has been seen at Grindstone, in the possession of the three men hereinafter named, since the robbery took place.



No. 20.  
Sir George Arthur  
to the Marquis of  
Normanby.

8th May, 1839.

Encl. 3 in No. 20.

(Copy.)

Enclosure 3 in No. 20.

Mr. TUCKER to Mr. Secretary SPENCER.

SIR,

Government House, Toronto, 6th May, 1839.

By the direction of the Lieutenant-Governor of this province, I have the honour to enclose you the copy of a letter from Mr. Griffin, the Post-office surveyor of the eastern division of Upper Canada, detailing the particulars of a very daring robbery of one of our mails, between Kingston and Gannanoqui, on the night of the 25th ultimo., by three armed men, who, there is strong reason to believe, came from one of the islands of the St. Lawrence (Grindstone), belonging to the State of New York, and are now residing there, beyond the reach of our laws.

The importance which attaches to this transaction, both from the injurious consequences to which a repetition of such an outrage must expose us, and also from its tendency to inflame the minds of the inhabitants of Upper Canada with a feeling of resentment against the country which should afford shelter to the perpetrators of so atrocious an offence, must be sufficiently obvious, and I shall accordingly desist from dilating on that point; satisfied that it is the cordial desire and anxious wish of Governor Seward to remove every cause of animosity between the people of the two countries, whose mutual interest it is to maintain the closest relations of peace and harmony with each other.

Under this impression, the Lieutenant-Governor confidently trusts that every possible facility and assistance will be afforded to Mr. Griffin, who will be the bearer of this letter, to obtain such further information on the subject of this robbery as may furnish a sufficient ground for a formal application to your Government for the apprehension of the accused parties, and their surrender to us, in order to their trial before some of our tribunals of justice; and it is for the purpose of preventing a delay in a matter which requires immediate attention that his Excellency has been induced to make this application directly to you, instead of doing so through the channel of Her Majesty's Minister at Washington, to whom a representation will also be made as soon as possible.

In conclusion, I beg leave to recommend Mr. Griffin to your notice and good offices.

I have, &c.

(Signed)

R. A. TUCKER, Provincial Secretary.

John C. Spencer, Esq., Secretary of State,  
State of New York, Albany

(No. 104.)

No. 21.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 13th May, 1839.

I HAVE the honour to inform your Lordship that the Session of the Provincial Legislature was closed on Saturday, the 11th instant, and to transmit to you herewith a copy of the speech which I delivered on the occasion.

I am unable, by this opportunity, to report to your Lordship upon the legislative proceedings which have taken place since the transmission of my despatches of the 12th and 15th ultimo, Nos. 87 and 88; but I may briefly state, that, first in importance among the Bills which I have reserved for the signification of Her Majesty's pleasure, are Bills for placing the proceeds of the sales of the clergy reserves at the disposal of the Imperial Parliament, and for investing the casual and territorial revenue in the provincial legislature.

These Bills, with the others which have been reserved, I shall do myself the honour of transmitting to your Lordship to-morrow, in time, if possible, for the steam-boat "Liverpool;" but to make quite sure in that conveyance, I do not defer my present hasty communication.

I am, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,

&c. &c. &c.

Enclosure in No. 21.

Sir GEORGE ARTHUR's Speech to the Legislature of Upper Canada.

Toronto, Saturday, May 11, 1839.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly:

IN relieving you from your legislative duties, I desire to express my satisfaction at the zeal and patience you have displayed, in considering the important subjects which have engaged your attention.

It has not surprised me, that conscientious differences of opinion have so long led to much embarrassment in the disposal of the clergy reserves.

You were right, certainly, to leave no means unattempted, in order finally to settle this great

No. 21.  
Sir George Arthur  
to the Marquis of  
Normanby.  
13th May, 1839.

Encl. in No. 21.

question by the Provincial Legislature; but every expedient having failed, and all hope being excluded of unanimity here, I rejoice greatly that this Parliament has resolved, that the difficulties of this subject shall not longer be suffered to excite and encourage antagonist feelings in a community, whose common safety requires the greatest concord.

I shall feel it to be my duty, to the utmost of my knowledge and ability, to put Her Majesty's Government in possession of the desires and opinions of the people of Upper Canada, regarding the public aid to be afforded to the maintenance of the Christian religion in the colony: and will, without loss of time, transmit that Bill, together with your address thereon.

The Bill which you have passed, accepting the cession of the casual and territorial revenue, upon condition of a permanent supply for the support of the Government, in its ordinary and most necessary details, will, I hope, prove satisfactory to Her Majesty.

The omission, however, in the Bill, to provide for certain annuities, charged upon these revenues, renders it necessary for me to reserve the Bill for the signification of Her Majesty's pleasure thereon.

I have derived great satisfaction from the Bill which you have passed for the promotion of liberal education, and the extension of schools of a highly useful character, to every district in the province; and I most sincerely hope that another Session of the Legislature will not be allowed to pass over, without your making a similar wise and liberal provision for common schools.

Among the measures of the Session, I am happy to observe a Bill for the establishment of a lunatic asylum, which will have the humane effect of rescuing many unhappy beings from incurable wretchedness; and I have no doubt that the burden consequent on carrying this beneficent design into operation, will be cheerfully submitted to by the people of the country.

In sustaining the great interests of the country, no object of legislation requires more care and precaution than the due regulation of its system of banking; and nothing is more hazardous to those interests than a prolonged issue of inconvertible bank paper.

Impressed with this truth, I consider it would have been better to fix a much earlier day for the return to a sound system of banking, but have, nevertheless, determined not to withhold my concurrence to the Bill which both Houses of the Legislature have agreed in thinking necessary.

Gentlemen of the House of Assembly:

I thank you, in Her Majesty's name, for the supplies granted for the service of the present year.

In superintending the ordinary disbursements, I shall economically restrict them within the narrowest limits which are consistent with a due regard to the efficient administration of public affairs; and I trust there will be no recurrence of the distressing events which caused an expenditure last year unexampled at any former period.

The serious doubts expressed by Her Majesty's Government as to passing any measures calculated to affect, and especially to derange, the monetary system of the province, render it my duty to reserve, till Her Majesty's pleasure be known, such of the Bills as you have passed, which appear to me to have that tendency.

I will lose no time in transmitting these Bills to Her Majesty's Secretary of State for the Colonies, that the decision upon them may be known upon them with the least possible delay.

In the mean time I trust that the sale of the stock in the bank of Upper Canada, and the other resources of the province, will enable me, during the interval, to carry on the public service without any material inconvenience.

Having felt it my duty to adopt this course in reference to these Bills, it has become necessary for me also to reserve, for the signification of Her Majesty's pleasure, the Bill for the relief of sufferers by the late insurrection, or by foreign aggression, or otherwise claims under that Act might be presented before there were any means provided for their liquidation.

It is my deliberate opinion that at this crisis you must seek for, and rely upon, the protection and advice of Her Majesty's Government in your money concerns.

Honourable Gentlemen, and Gentlemen:

In returning to your homes, and among those whom you represent, I wish earnestly to impress upon you that your exertions in maintaining the same constitutional spirit which has actuated you in your parliamentary labours will materially serve and promote the welfare of the country; and I firmly hope and believe that in any measures that Her Majesty's Government may recommend, and the Imperial Parliament may adopt, for the future regulation of these important colonies, you will find that your loyalty to your Sovereign, and your faithful attachment to the empire, will be pre-eminently regarded, and will ensure to you the maintenance and protection of those political institutions and constitutional principles which you so justly appreciate and revere.

(No. 105.)

No. 22.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 13th May, 1839.

IN my Despatch, No. 68, of the 30th March, I reported the state of the province to be tranquil within; that, on the American side, there seemed to

No. 21.  
Sir George Arthur  
to the Marquis of  
Normanby.  
8th May, 1839.

Enclosure in No. 21.

No. 22.  
Sir George Arthur  
to the Marquis of  
Normanby.  
13th May, 1839.



No. 22.  
Sir George Arthur  
to the Marquis of  
Normanby.  
13th May, 1839.

be an expectation and desire for war, and that from Colonel Airey I learned that another descent was meditated on the western frontier.

As I felt very anxious to discover the impression made upon the American people by the debates in the Imperial Parliament respecting Canada, I despatched an intelligent officer to ascertain the feeling along the frontier.

The speeches of Her Majesty's Ministers, and of the Duke of Wellington and Sir Robert Peel, have been much canvassed; and the openly expressed determination of all parties to defend these provinces has so completely convinced the border population that England is quite in earnest in the matter, that, if the body of that people were under any control, we might now look forward with some confidence to a period of quiet and repose. But many of the lowest of the border population consider that it is a noble cause "to free the people of Canada;" and their superiors in intelligence are influenced by the basest motives, in keeping alive a spirit of rancorous hostility towards us.

I desired Colonel Airey, who commands on the western frontier, to communicate from time to time, even upon subjects which did not appear very important; and a note from him to the Military Secretary, received this morning, with its enclosure from General Brady, of which copies are transmitted for your Lordship's perusal, plainly enough show how little dependence is to be placed on the continuance of the calm which prevails at present.

In this precarious and critical posture of affairs, I am naturally led to recur to the recommendation I have previously submitted to your Lordship's predecessor, that an adequate supply of military clothing and stores should be sent from England; and, in now pressing this advice upon your Lordship's attention, I would respectfully observe, that it is of the utmost consequence that we should not be compelled to seek relief from any wants of that description from the American merchants.

I have, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

(Copy.)

Enclosure in No. 22.

Colonel AIREY to Captain HALKETT.

DEAR SIR,

Malden, U.C., 6th May, 1839.

Encl. in No. 22.

I BEG to send you a letter I received this morning from General Brady, dated the 4th, from Detroit. I have recently seen a good deal of General Brady, of Major Payne (his right-hand man), of the U.S. Artillery, of Major Webbe, the Ordnance storekeeper at Dearborn Arsenal, and a few other Americans, who, I really believe, are honest in their expressions of a wish to maintain peace and good feeling between the two countries, by restraining and defeating the projects of their unprincipled and detestable countrymen forming their frontier population. At the same time, they openly avow that they do not expect, in the total absence of not only civil power, but even of any wish on the part of the civil authorities, that these efforts will be entirely successful.

However wonderful it may appear, I have, within the last few days, received the most undoubted accounts, from good authority, that the "lodges" are again at work, and that a system of petty and simultaneous burnings, plunder, and mail-robbing is to be the plan of the summer campaign; this frontier (St. Clair), and the St. Lawrence above and below Prescott, the ground of their operations.

General Brady has been here three times lately: once on a ceremonious visit, immediately after Governor Mason had been here on the same errand; once to see a review at his own request; and once at a party with a great number of "citizens" in the "Illinois," who, as they sent beforehand to say, "were coming down to pay their respects, and take us a pleasure-ride on the lake."

On these occasions I have had a great deal of conversation with General Brady. He has all through said that the civil authorities do all but openly countenance these patriots, and that, in the event of recommencing, he must depend more upon my assistance, or of whoever the officer may be who commands here, than upon the state officers of Michigan.

All, however, was quiet, and no indication of further movements on the part of these people until the arrival of the Great Western, when suddenly excitement is again prevailing, as if they were determined to give the Canadas no rest.

Such being the case, I beg to recommend that a boat should be stationed here, in order at once to put a stop to the designs of these people; and I cannot conceive a boat better calculated for such service than the "Milwaukie," which I examined the other day when Captain Drew was here.

As a lake boat for the transport of troops she is almost useless. I assure you that if wood were on board sufficient to come up the lake, or I believe even from Port Stanley to this place, she could not accommodate 70 men; yet for this and the Sarina frontier she would do ex-

tremely well, being very fast, and, the runs being short, she would not require that immense load of wood, for which she is by no means calculated, and was never intended.

General Brady has two steamers at his command, though not exclusively; he pays 100 dollars a-day when employed by him, and they are never to be both away at the same time, but if any occasion requires it, he intends taking up the "Illinois" for himself; she is a very fine boat indeed, but still not quite adapted for a transport, or man-of-war—in fact no boat can be that is built for a passage-boat.

They now say that a British steamer is to be burnt somewhere on the 29th of May.

I have told you all I have heard in the way of "rumours," for which due allowance of course is to be made.

I beg to send you the Report of the Committee on Foreign Relations in the Senate of the United States, which perhaps you may not have seen, and I request you will be so good as to let me have it again.

Captain Halkett,  
Assistant Military Secretary.

(Signed)

I am, &c.

RICHARD AIREY,  
34th Regiment.

(Copy.)

COLONEL,

Head Quarters, 7th Mail Depart.,

Detroit, May 4th, 1839.

I START this morning for the west, which I much regret will prevent the pleasure of my seeing you until after my return. I have been very desirous of meeting you in Detroit, and of returning, in some measure, the civility which you have at all times extended towards myself and other members of our army who have visited your post, and I wished to have an understanding with you as to the best plan to defeat any further attempts on the part of the "Hunters" to disturb the quiet of this frontier, as I have been informed by one in whose confidence I have no doubt, that they intend to commence operations about the time the farmers commence planting corn, and that their plan is to send over small marauding parties to burn houses, and destroy other property, in hopes of producing retaliation, and thus keep up the excitement until both governments are induced to call the militia into service.

It is also said, that they intend to make their first attempt on the river St. Clair.

I have instructed the Quarter-Master, (Colonel Whiting,) the moment that any indication of the kind is discovered, to employ a steam-boat, to be put at the disposal of Major Payne, and if you had a boat on the waters at the same time, I have no doubt but it could be so arranged as to completely defeat their wicked intentions.

I have, &c.

(Signed)

H. BRADY, Br.-General U.S. Army.

Colonel Airey, Commanding Western Frontier.

(No. 112.)

No. 23.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 14th May, 1839.

DURING the last month I have been in correspondence with the Commander of the Forces respecting the decrease of the militia force, and have the honour to report to your Lordship that a great portion of the men have been allowed to return to their homes.

The disposition to annoy us has, I believe, but in a small degree abated; but the means of the "patriots" were not inexhaustible, and their abettors certainly begin to find it an unprofitable speculation.

For some time to come we must be much on our guard, but I shall be sadly disappointed if a better state of feeling be not now produced.

I have, &c.

The Marquis of Normanby,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

No. 22.  
Sir George Arthur  
to the Marquis of  
Normanby.  
13th May, 1839.  
Encl. in No. 22.

No. 23.  
Sir George Arthur  
to the Marquis of  
Normanby.  
14th May, 1839.

(No. 113.)

No. 24.

COPY of a DSPATCH from Lieutenant-Governor Sir GEORGE ARTHUR,  
K.C.H., to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 18th May, 1839.

I HAVE been much gratified by the receipt of your Lordship's Despatch, No. 23, of the 8th ultimo, communicating, in reply to my Despatch, No. 33, of the 19th of February, that, after a full consideration of the arguments used by Mr. Fox and by myself, your Lordship approved of my determination to abide by my former decision to grant a free pardon to the younger and less guilty of the prisoners engaged in the late invasions of this province.

No. 24.  
Sir George Arthur  
to the Marquis of  
Normanby.  
18th May, 1839.



No 24.  
Sir George Arthur  
to the Marquis of  
Normanby.  
18th May, 1839.  
Kingston Chronicle,  
4th May, 1839.

In addition to the testimonies which have been already forwarded, I have the honour to transmit herewith a copy of a provincial paper, quoting from the "Watertown Jeffersonian" an article subscribed by three of the liberated prisoners, wherein they express their gratitude for the boon which has been granted them, and for the kind treatment they experienced during the period of their confinement at Fort Henry.

I think your Lordship will derive satisfaction from a perusal of this expression of the sentiments of these individuals; for, without attaching any undue weight to it, the late objects of our mercy would appear by such an evidence not to be so wholly destitute of feeling as many of the Canadians would insist upon it that they are.

8th May, 1839.

With reference to my Despatch, No. 99, of the 7th instant, reporting the particulars of an outrage committed by some of our militia on board the United States schooner "Stephen Girard," I avail myself of the present opportunity to inclose a copy of a letter addressed to Colonel Forster, Assistant Adjutant General, by the Master of the schooner, wherein he expresses his entire satisfaction with the reparation which has been made him for the damage he sustained, and with the prompt and early notice which has been taken of the matter by this Government with a view to the punishment of the offenders.

It is truly gratifying that so vexatious an affair has terminated thus favourably, when the most unpleasant consequences were to have been anticipated from it.

I have, &c.  
(Signed) GEO. ARTHUR.  
The Marquis of Normanby,  
&c. &c. &c.

Enclosure 1 in No. 24.

THE LIBERATED PRISONERS.

(From the Watertown Jeffersonian.)

Encl. 1 in No. 24.

HAVING been recently liberated from Fort Henry, Kingston, by the clemency of Sir George Arthur, we embrace the present opportunity to express our gratitude to Governor Arthur for the free pardon which he has been graciously pleased to grant us. To the officers in whose charge we were, we cannot be too grateful for their kindness, humanity, and gentlemanly deportment towards us while in confinement. To Colonel Dundas and Sheriff McDonell our sincere and heartfelt thanks are particularly due,—the memory of these gentlemen will ever be cherished by us with feelings of the most sincere regard. During our confinement we have experienced nothing but kindness from those under whose charge we were; being well provided with provisions, necessities, and comfortable quarters, added to humane and kind treatment. Our rations were ample, and our beds were superior to those of the regular soldiers, as we were frequently informed by them. We sincerely wish, as an act of justice to those who had us in charge, to disabuse the public mind on this side of the many stories of British inhumanity and cruelty which have gained credence in the minds of the credulous. We speak from experience, and have no motive to speak falsely on this subject. We have never heard our comrades in confinement complain of maltreatment from those who attended us, and those whose duty it was to keep us in custody. And in proof of this we would remark that, when the news of our free pardon was communicated to us, and when we were released, all seemed to rejoice at our good fortune and release from captivity. To Dr. Robison, who was surgeon to the hospital, and who attended one of the undersigned while suffering from a severe wound received at Prescott, our thanks are especially due, for his uniform kind, humane, and unremitting attention to the sick and wounded under his charge.

While we once more, under Providence, are permitted to breathe the pure air of freedom, we deeply regret the fate of those we have left behind; and to the people of this frontier we confidently recommend no further interference in behalf of what has been styled Canadian liberty. Pacific measures are now earnestly called for on this side, if we seek the liberation of our friends in Canada, and we humbly trust that no true patriot will hazard the liberty of those in confinement there, for the vain purpose of freeing a people who, we have every reason to believe, do not wish a change of government. If they do wish reform, let them show it by their acts: American citizens have no right to interfere, and we hope never will interfere, to produce a change of government where none is desired. Upon the citizens of this frontier depends the fate of our unhappy friends in Fort Henry. Will they not pursue the course best adapted to secure their release? We have the assurance of the officers at Kingston, that the release of the remainder of our comrades depends upon the conduct of the American citizens. If this be all, why not do all in our power to achieve this, the now only true and patriotic course?

Watertown, April 27, 1839.

LORENZO E. FINNEY,  
CHARLES F. CROSSMAN,  
SAMPSON A. WILEY.

(Copy.)

Enclosure 2 in No. 24.

LETTER from Captain HUGUNIN, of the "Stephen Girard," to the Assistant-Adjutant-General.

SIR,

Oswego, 8th May, 1839.

I HASTEN to acknowledge the receipt of your letter of the 2nd instant, enclosing the organization of the court-martial detailed to investigate the conduct of the militia-men who assailed my vessel, the schooner "Stephen Girard," in the Welland Canal, and treated with indignity the flag of my country, as well as that of three officers who witnessed this outrage with apathy and indifference. These papers came into my hands as I was leaving the canal for this place.

Permit me to say that the prompt disavowal of this indignity by the commanding officer of the station, the remuneration of the slight damage to my vessel, which was pressed upon my acceptance, and, above all, the friendly solicitude manifested by his Excellency the Lieutenant-Governor in this matter, afford all the satisfaction which could be expected by the owners and officers of the "Girard," or the American public.

Under these circumstances it affords me much gratification to know that these officers and men have escaped any other punishment than the censure of his Excellency the Lieutenant-Governor, and the frowns of their fellow-countrymen, and that this lenity is ascribed by the Governor to my forbearing to appear as a witness against them. While these men have probably acted under the delusion that an indignity offered to the flag of a neighbour nation was an act of loyalty to their own, many citizens of our respective borders have been guilty of much more flagrant and criminal acts, under similar delusion, without the poor apology of inebriety which these men can urge in palliation of their offence.

I have, &c.

(Signed) JOHN C. HUGUNIN,  
Master of the schooner "Stephen Girard."

Colonel Foster,  
Assistant-Adjutant-General, Toronto.

No. 24.  
Sir George Arthur  
to the Marquis of  
Normanby.  
18th May, 1839.  
Encl. 2 in No. 24.

(No. 115.)

No. 25.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 18th May, 1839.

I HAVE the honour to inform your Lordship, in reply to your despatch, No. 19, of the 30th of March last, that Howland Hastings, the individual therein referred to, was discharged from custody, on bail, himself in 100%, and two recognizances in 50% each, on the 20th of February last.

Colonel Prince made a serious complaint of the manner in which this man had been discharged, but no consequences grew out of it, nor do I apprehend that any will arise; though, should the case prove otherwise, I shall, of course, make your Lordship acquainted with the particulars at the earliest opportunity.

I have, &c.

The Marquis of Normanby,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

No. 25.  
Sir George Arthur  
to the Marquis of  
Normanby.  
18th May, 1839.

(No. 117.)

No. 26.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Toronto, Upper Canada, 18th May, 1839.

AT the close of the recent session, the House of Assembly passed a resolution, which, in compliance with their address, I have communicated to Sir Francis Head, expressive of their gratitude for the testimony which Sir Francis has ever borne to the loyalty of the militia, and inhabitants generally, of this province.

Of this resolution I take the earliest opportunity of enclosing your Lordship a copy.

I have, &c.

The Marquis of Normanby,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

No. 26.  
Sir George Arthur  
to the Marquis of  
Normanby.  
18th May, 1

(Copy.)

Enclosure in No. 26.

RESOLUTION of the HOUSE of ASSEMBLY as to Sir FRANCIS HEAD.

RESOLVED that this House acknowledge, with unfeigned satisfaction, the communication of Sir Francis Head, Bart., late Lieutenant-Governor of this province, addressed to the Honourable Sir Allan Napier M'Nab, Speaker, transmitting a copy of his "Narrative."

Encl. in No. 26.



No. 26.  
Sir George Arthur  
to the Marquis of  
Normanby.  
18th May, 1839.  
Encl. in No. 26.

That this House, in common with every loyal subject of Her Majesty in this appendage of Her crown, entertains a deep sense of gratitude for the exalted opinions invariably expressed by Sir Francis Head in his speeches to the Legislature, in his answers to addresses, in his public despatches, and in his "Narrative," of the devoted loyalty of the militia, and of the inhabitants of Upper Canada generally.

(No. 126.)

No. 27.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

No. 27.  
Sir George Arthur  
to the Marquis of  
Normanby.  
6th June, 1839.

MY LORD,

Government House, Toronto, 6th June, 1839.

I HAD the honour to report to your Lordship in my Despatch No. 101, of the 8th of May last, the circumstances attending the robbery of the Upper Canada Mail, a few nights previous, on the road between Kingston and Gananoque, by some individuals who had since sought refuge in the United States; and I further informed your Lordship, that Mr. Griffin, Post-office surveyor, had proceeded to Albany at my suggestion, to represent the matter to the State Government, with a view to the detection and apprehension of the perpetrators of the robbery.

No. 1.  
14th May, 1839.

Mr. Griffin returned to Canada on the 14th ultimo, and by the accompanying copy of a letter which he addressed to the Provincial Secretary your Lordship will perceive that the result of his mission has not been so favourable as could have been wished.

I have further the honour to enclose a copy of a letter addressed to the Provincial Secretary, by the Secretary for the State of New York, in reply to the communication from the former officer of which Mr. Griffin was the bearer.

It appears that the State Authorities, however they may possess the will, do not possess the power of interfering in cases of this nature, without the express authority of the general Executive; for, although there exists a law of the State of New York, authorising the Governor to arrest and deliver over persons who had committed such crimes in a foreign country as would have rendered them amenable to the laws of the State, had they been committed within its jurisdiction, such law was nevertheless held to be inoperative, as transcending the Legislative power of the State; inasmuch as the right of dealing with subjects wherein a foreign nation was a party was considered to be exclusively vested in the General Government.

Mr. Spencer proffered to Mr. Griffin every assistance in his power, regretting that his means of being useful were so limited; and gave him letters to certain functionaries on the frontier, soliciting their co-operation with Mr. Griffin, in gaining information of the robbers, but, under the circumstances stated, Mr. Griffin thought it useless to prosecute his inquiries any further on the American side.

No. 2.  
13th May, 1839.

Your Lordship will perceive, by Mr. Spencer's letter, that Governor Seward, who, at the time of Mr. Griffin's arrival, was absent from Albany, had fully concurred, on his return, in the propriety of the steps which had been taken, and expressed his willingness to afford any further aid, if duly authorised to do so.

I have communicated all these particulars to Her Majesty's Minister at Washington, who is, of course, far better able to judge than I am whether anything further can be done in this matter with the United States Government.

I have informed him that it is of the greatest importance that the delinquents should, if possible, be brought to justice; as I am given to understand, by parties on whose authority reliance may be placed, that the robbery thus committed is to prove the first of a succession of similar outrages, which are to be carried on, on the St. Lawrence, during the Summer.

I have, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

(Copy.)

Enclosure 1 in No. 27.

Mr. GRIFFIN to Mr. TUCKER.

SIR,

Gananoque, U. C., 14th May, 1839.

I BEG to apprise you, for the information of His Excellency the Lieutenant-Governor, that I reached Albany, and delivered your letter to the Secretary of State of New York, on the 11th instant. The subject of my mission was attentively considered and fully discussed by Mr. Spencer, in the absence of Governor Seward.

Mr. Spencer at once informed me, that the State would not interfere by arresting or delivering over individuals accused of the commission of crime in Canada, for that this power was deemed solely to appertain to the general government; to my question whether the general government concurred in this view and would exercise the power? Mr. Spencer replied that the general government considered that the right of dealing with subjects, in which a foreign nation was a party, was strictly vested in it (the general government), but that, in the absence of an Act of Congress, bearing on the point, the President did not deem himself to be empowered to act. Mr. Spencer expressed a strong desire to aid in the prosecution of the perpetrators of the mail robbery, and regretted that he possessed such slender means of evincing his sincerity, "under the peculiar constitution of the United States." At my request, he gave me letters in the Governor's name to the United States district-attorney and sheriff for the county of Jefferson, and to Colonel North, praying them to aid in endeavouring to discover the culprits.

Mr. Spencer further said, that there existed a law of the State of New York, authorizing the Governor to arrest and deliver over persons guilty of such crimes on foreign soil as would render them answerable to the laws of the State, had they been committed within its jurisdiction; but added, that this law was held to be inoperative, as transcending the legislative power of the State, but he suggested that His Excellency the Lieutenant-Governor should make application to the President, and obtain his approbation and authority for the action of the state authorities, in fact, induce him to assume the responsibility, upon which authority, he said that the State would not hesitate to act.

I could not but gather that the principal obstacle to the hearty co-operation of the American authorities is the probable unpopularity of the measure, and its consequent effect on the ballot-box. I left Albany on the 12th, and reached Kingston this morning by way of Watertown and Sackett's Harbour. I purposed seeing the district-attorney and Colonel North on my way, but both those gentlemen were from home. Under Mr. Spencer's decision, that culprits cannot be arrested or given up, I have thought it futile to attempt any investigation, on the American side, and shall content myself with forwarding the secretary's letters to the district-attorney and Colonel North, requesting them to avail themselves of any opportunity of gaining information respecting the suspected individuals, in the hope that His Excellency Sir George Arthur may prevail on the President to interpose his authority for their arrest.

Mr. Spencer did not scruple to say that, if a party from this side went and arrested them, the State authorities would not be disposed to consider it a breach of amity; but I have doubted the expediency of setting on foot any scheme of this nature—it would certainly provoke retaliation and much excitement.

I find that an attempt was made some time since to arrest the suspected individuals, who were on Grenadier Island purchasing cattle; the attempt failed, however, and the villains got off, leaving behind them 500*l.* in Upper Canada money, which is lodged at Brockville.

I am now on my way down to Montreal. I have requested that a vigilant watch be kept up along our shore, with a view to the arrest of the villains, should they show themselves on this side of the river.

I have heard to day of the further sum of 100*l.* having been in the lost mail, making 191*l.* in all.

I have, &c.

(Signed)

W. H. GRIFFIN,

Post-Office Surveyor.

The Honourable R. A. TUCKER,

&c. &c. &c.

Toronto City.

(Copy)

Enclosure 2, in No. 27.

{ Mr. SPENCER to Mr. TUCKER.

SIR,

State of New York Secretary's Office, Albany, May 13, 1839.

Your letter of the 6th instant by Mr. Griffin, the post-office surveyor for the eastern division of Upper Canada, was presented to me by that gentleman on the 11th instant, while

No. 27.  
Sir George Arthur  
to the Marquis of  
Normanby.  
6th June, 1839

Encl. 1 in No. 29.

Encl. 2 in No. 27.



No. 27.  
 Sir George Arthur  
 to the Marquis of  
 Normanby.  
 6th June, 1839.  
 Encl. 2 in No. 27.

Governor Seward was absent at the city of New York. Mr. Griffin was quite anxious not to lose any time by waiting for his return, and, knowing the views of Governor Seward on similar subjects, I at once undertook to act in his behalf. Letters were accordingly addressed to Colonel Worth, of the United States army, at Sackett's Harbour, to the sheriff of Jefferson county, and to the district attorney of that county, urging them, and particularly instructing the two last-named officers, to afford Mr. Griffin every aid in their power in ferreting out the mail robbers referred to in your letter. I have no doubt that every assistance they can render will be promptly and cheerfully afforded. Mr. Griffin returned the same day by the rail-road to Utica, and thence to Sackett's Harbour.

Since Governor Seward's return, I have laid before him copies of the letters addressed to the officers above named, and he entirely approves of the steps taken. He directs me to inform Sir George Arthur of his readiness to take any further measures for the detection and punishment of the robbers, which the constitution and laws of our country will warrant.

I have, &c.

(Signed) JOHN C. SPENCER, Secretary of State.

No. 28.

(No. 132.)

EXTRACT of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of Normanby.

Government-House, Toronto, 8th June, 1839.

No. 28.  
 Sir George Arthur  
 to the Marquis of  
 Normanby.  
 8th June, 1839.

HER Majesty's Government are aware that the prisoners who were taken in the "Anne," in the month of December, 1837, were sent to Quebec last year, where they remained until I lately communicated with Sir John Colborne respecting them; and, as it appeared that there were difficulties in the way of putting them upon their trial, it was thought most desirable to include them amongst the number of those prisoners to whom the mercy of the Government has been extended; and for that purpose they were returned to this province, and, after a suitable admonition, were taken from Cornwall, across the river to the United States, under the care of the sheriff.

Unfortunately, these people were delivered up to a magistrate who appears to be wholly void of good feeling; and your Lordship will perceive by his address, which is published in the accompanying newspaper, that he has laboured to produce excitement, both in the United States and on the Canadian frontier.

I have already taken occasion to explain to your Lordship that there are some excellent people in this province who disapprove of extending mercy to any of the prisoners; and I found that the people of Cornwall, especially, were highly indignant at the ungracious conduct manifested on the opposite shore, on the liberation of the prisoners to whom I have just referred; and I therefore determined to proceed from Brockville to Cornwall, in order to hold personal communication with the inhabitants, and I trust I was able to convince them that there was no occasion for excitement in this matter, as such occurrences must, in the nature of things, be expected.

A copy of the address which I received before I left Cornwall, in which the inhabitants most generously forbore from touching upon the particular point which had so greatly excited their indignation, is enclosed, together with my answer.

I found much excitement on every part of the St. Lawrence, in consequence of some projected movements of the brigands; and before I reached Kingston I received a communication from Captain Sandom, of the royal navy, a copy of which is herewith transmitted, communicating to me the necessity which he thought existed for taking decided measures to put an end to the schemes of Johnson and other pirates, who were meditating fresh aggressions, before they became more formidable, and requesting instructions as to the course which he was to pursue.

I had, in consequence, a long conference with Captain Sandom; and finally requested him to keep a good look-out, but not to take any measures in the

No. 1.

No. 2.  
 No. 3.

No. 4.

No. 28.  
Sir George Arthur  
to the Marquis of  
Normanby.  
8th June, 1839.

American waters until I should hear from Mr. Fox, and I sincerely hope the American Government will show an earnestness in co-operating with us in putting an end to these lawless proceedings.

At Belleville, which your Lordship is aware is not far from Kingston, very serious excitement has been again exhibited, and I have this day received a very long address, signed by a great number of magistrates, soliciting protection, and denouncing the conciliatory course which has been pursued by this Government. They labour under some apprehension, I have every reason to think. Their statements, however, are very important; but copies cannot possibly be made, to be transmitted with this despatch.

Some very serious and atrocious outrages have lately been committed on the Niagara frontier, by some villains who have crossed the river from the States.

One highly respectable gentleman has been murdered by them; and the perpetrators of this crime having been discovered, I have taken the most prompt measures to induce the Government of the United States to deliver up the murderer. If Mr. Fox fails, upon the clear evidence which has been forwarded, to prevail upon the Government of the United States to afford assistance in the apprehension of this villain, it is a case so extreme, as, I presume, will determine Her Majesty's Government to interfere in a very peremptory manner.

Other gangs of these lawless characters have lately destroyed one of the finest buildings on the Niagara frontier, together with some barns and other valuable property. A deputation from the inhabitants presented to me an address upon the subject this morning.

Colonel Airey, from the western frontier, informs me that he learned from General Brady that the brigands are just as rife for mischief as ever, but he cannot discover that any considerable numbers are congregated at any given place.

The state of excitement that all this produces is exceedingly painful; and my greatest perplexity is to know the exact extent to which these statements ought to be relied upon; for the experience I have now gained convinces me, without making in any degree light of the sufferings of Her Majesty's subjects, along the whole line of the frontier, that impending mischief is purposely magnified by a wicked class of people on both sides of the boundary.

Small bands of these ruffians may, of course, continue to alarm and distress the community; but after the severe examples that have been made, I cannot bring myself to believe that the brigands will again cross, at least for some time, in any considerable force.

This hasty narrative will put your Lordship in possession of passing events, which is the object of my communication.

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Enclosure 1 in No. 28.

Extract from the Kingston Chronicle and Gazette, 18th May, 1839.

Liberation of seven of the prisoners taken at Amherstburgh on the 9th of January, 1838, and confined sixteen months in Canadian dungeons, without trial or examination of any kind.

Encl. 1 in No. 28.

The following persons were released from confinement in Quebec, by order of Governor Arthur and escorted to Cornwall, Upper Canada, and were delivered over to the civil authorities of Cornwall, and by them to H. W. Tucker, Esquire, of Franklin county, when the following addresses were made:—

Boundary Line, at St. Regis, Saturday Evening, Twilight, May 4.

Having been brought to St. Regis by Mr. M<sup>c</sup>Martin, sheriff of the Eastern District, U. C., we were met by H. W. Tucker, Esquire, of Hogsburg, Franklin county, who had been invited by said sheriff to attend to witness our liberation, the sheriff addressed us in substance as follows:—

“I am instructed by his Excellency the Lieutenant-Governor of Upper Canada, to embrace this opportunity to make as deep an impression upon your minds as words can make of the kindness and leniency with which you have been treated since you have been prisoners, considering the shameful—the very shameful and wicked manner in which you came into our country. You came as outlaws, to plunder and to destroy, to the annoyance and molestation of the quiet, peaceable, and contented people of Canada; you have been imprisoned, but you



No. 28.  
 Sir George Arthur  
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have been kindly treated, and now, instead of being hung as you deserve for your offence, the Government, in its great mercy, has ordered your liberation; and I am directed to convey you to the boundary-line, and deliver you up to the civil magistrates of your own country."

After the sheriff had ended, Captain Chelsey said he wished to make a few remarks in addition to what Mr. M<sup>r</sup>. Martin had said. He proceeded in substance as follows:—"You are American citizens;—you had heard that the people of Canada were oppressed, and were ripe for a revolution. I too claim the honour of an American birth, but I have lived long in Canada, and profess to understand the nature of allegiance and the situation of the people, and there is no oppression of the Government, as you have heard. Neither are the people ripe for a revolution, as you have doubtless satisfied yourselves by this time. And now I wish you to avail yourselves of every opportunity to convince your countrymen that they are wrongly informed in regard to our situation. You may formerly have lived comparatively unnoticed, but the recent incidents of your lives will render you notorious, and you will have it in your power to do much good in this way."

Justice Tucker then rose and said,—“Mr. Sheriff, it may not be improper for me to make some remarks, on receiving these my liberated countrymen at your hands. You have detained them long in the prisons of the Canadas, for an alleged offence against your laws, but without a trial, or even an inquest, as I am informed; and now, at the expiration of sixteen months, you give them back to their country. In behalf of my country I thank you for them, and, fellow-citizens, most cordially do I welcome you back to your native land; I do so because the motives which led you into Canada were, in the estimation of a majority of your countrymen, as I believe, pure, honourable, and exalted, as ever glowed in the breast of a patriot, or nerved his arm in defence of civil and religious liberty. You heard the voice of complaint—you were told that again in North America British tyranny was laying its oppressive arm upon the people of Canada: and you essayed to assist them, but disaster attended you; and the people of Canada have not co-operated with you as you expected. This may be a lesson to you and to others, to wait till your own country call for your services, and while you regret the failure of your enterprise, you have the comfort of conscious rectitude of purpose, and of purity of motives which your country honours, and which every Anglo-Saxon throughout the world should honour.”

Benjamin F. Pew,  
 Abraham W. Partridge,  
 Henry L. Hull,  
 Theron R. Culver,  
 Chauncey Parker,  
 Nathan Smith,  
 Squire Thayer,

Ithaca, N. Y.  
 Augusta, Maine.  
 Hudson, Ohio.  
 Cayuga co. N. Y.  
 Genesee co. N. Y.  
 Redford, Michigan.  
 Burlington, Vt.

Sutherland was sent from Quebec to Cornwall with the above prisoners, where it was discovered that his name was not on the papers, and he was detained. The order for their liberation at Quebec contained the name of Sutherland, but by some unaccountable means had escaped from the proceedings on their journey. The case of Sutherland seemed to be one of great hardship, as his trial was declared illegal, and his discharge ordered by the Home Government a year ago.—Ogdensburgh Times.

(Copy.)

Enclosure 2 in No. 28.

#### ADDRESS from the Inhabitants of CORNWALL.

To his Excellency Sir-GEORGE ARTHUR, K.C.H., Lieut.-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

Encl. 2 in No. 28.

WE, the inhabitants of Cornwall and neighbourhood, beg leave most cordially to welcome your Excellency on your arrival in the eastern district. We have every reason to believe that this visit of your Excellency has been prompted by a desire to promote the happiness and prosperity of our country, and to provide for the security and peace of Her Majesty's faithful subjects.

It is painful to recur to the events that have transpired since your Excellency last visited this district, and we would, were it possible, gladly avoid any allusion to them; but, while we are compelled to express our regret at the spirit of hostility evinced by the inhabitants of the United States, and our detestation of the acts of aggression perpetrated by a portion of its lawless population, it at least furnishes us with an opportunity of expressing our gratitude for the protection of a kind Providence, thankfulness for the prompt and efficient measures adopted for our defence by your Excellency; gratulation in the victories achieved by our gallant fellow-subjects, and pride in the superiority of our constitution to the boasted democratic institutions of the neighbouring States.

Assailed, as we have been, at all points, by an army of murderers and brigands, and compelled, as it were, to labour with our arms in our hands, your Excellency will do us the justice to say, that, uninfluenced by the examples of democratic licentiousness, untarnished with the spirit of revenge, the inhabitants of Upper Canada have punished the insults and repelled the attacks of their aggressors with a forbearance which alone can be produced by a willing submission to laws, founded in wisdom, and enacted with the assent of the people. Your Excellency has truly said that upon ourselves alone are we to depend for security; in vain may we expect exertion on the part of the authorities of the United States; and we beg to assure your Excellency that upon the inhabitants of the eastern district you may ever rely for efficient and active support, in such measures as your Excellency may adopt, to ensure safety from the attacks of hostility from without, or the machinations of treason from within.

(Signed) GEORGE ARCHBOLD, and others.

No. 28.  
Sir George Arthur  
to the Marquis of  
Normanby.  
8th June, 1839.  
Encl 2 in No. 28.

Enclosure 3 in No. 28.

GENTLEMEN,

I THANK you most cordially for this loyal address.

I receive this manifestation of your support with a more lively thankfulness, because my government has recently been placed in the most trying circumstances.

Encl. 3 in No. 28.

It has been my painful duty to cause the extreme sentence of the law to be carried into effect in the cases of many desperate offenders; whilst towards others I felt that a free and unconditional pardon might be extended.

I am quite aware that there are many excellent, loyal persons among you, who consider that this last course is impolitic, and that their families will be subjected by it to fresh aggressions.

Your kind disposition towards me personally is therefore the more gratifying, for it assures me you are convinced, if I have erred, that it has proceeded from an incorrect judgment, and by no means from indifference to, or unconcern for, your safety and protection.

I frankly avow to you, that it has been with me an object of great anxiety to call forth a generous feeling from those who have acted towards this country with cruel treachery and wanton violence. If the endeavour be successful, and I still shall leave no honourable effort unattempted to accomplish it, it will be to me a source of unbounded satisfaction; if it prove unsuccessful, I shall cast all further thoughts of diplomacy into the St. Lawrence, and trust to the hearts and hands of Her Majesty's loyal subjects to bring about conciliation by a different process; and, in that operation, there are no men, I am very confident, more entirely to be relied upon, than the inhabitants of the eastern district.

(Signed) GEORGE ARTHUR.

(Copy.)

Enclosure 4 in No. 28.

Captain SANDOM to Sir GEORGE ARTHUR.

SIR,

Her Majesty's Ship, Niagara,  
Kingston, 31st May, 1839.

As I feel assured that the most prompt and decisive measures are absolutely essential to crush in the bud the movements of the turbulent people scattered on the borders of the St. Lawrence, and on some of the islands, with the avowed intentions of committing depredations on some part of the British dominions in Canada, or on the mercantile steam vessels, I most earnestly entreat your Excellency to give me instructions for my guidance, should the naval force under my command come in contact with them. Their tact and cunning will keep them within the American line of demarkation on the St. Lawrence, but chance may enable some of my officers to meet them off their guard on our side, in which case the result would be simple—they would be taken.

Encl. 4 in No. 28.

Their present haunts are in the American islands bordering upon our lines, so near as to enable them to make incursions with facility and success.

It is in such cases that I feel most perplexed and at a loss how to act.

My understanding with General Macomb last year, was, that I should be at liberty to attack such people on any of the islands, but in the event of capturing the brigands, to hand them over to the American authorities (when taken on their territory) for trial.

Your Excellency is aware of the fact of officers, under my command, having surprised a party of these miscreants, on Grindstone Island, and of capturing two of them, who, together with a quantity of arms, were by me handed over to the American authorities, agreeable to stipulation in good faith. These men were released, and the same scenes are now acting on the same spot.

General Macomb informed me that he must withdraw the sanction he had given for my people to search the American islands.



No. 28.  
Sir George Arthur  
to the Marquis of  
Normanby.  
8th June, 1839.  
Encl. 4 in No. 28.

I would now beg your Excellency's advice as to what measures it would be most proper to pursue when I have positive proof, and the means of capturing them on any of the islands within the American territory.

I have, &c.

(Signed)

WILLIAM SANDOM,

Captain R.N., Commanding Her Majesty's Naval Forces in Canada.

His Excellency Major General Sir George Arthur, K.C.H.

(No. 149.)

No. 29.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839

SIR,

Government-House, Toronto, 1st July, 1839.

WITH reference to my Despatch, No. 132, of the 8th June, I have now the honour to transmit a copy of the Address from the magistrates of the Midland and Newcastle Districts to which I therein alluded, together with the copy of a letter from Mr. Wilkins, a member of the Legislative Council, and one of the most wealthy inhabitants of the country, having large transactions in both provinces.

A considerable number of Americans have long been settled in these districts; and their influence has been materially augmented by a coalition with many British subjects, who have from time to time become converts to their political tenets.

When the outbreak took place in November last, in the Lower province, and when the descent was made upon Prescott, the disaffected people in the Midland and Newcastle Districts were all on the alert, and the clearest proof was afforded that they were in communication with the patriots, by whom an expedition was certainly destined for that quarter.

As it was a point of the utmost moment last winter to prevent any actual outbreak which might have afforded a pretext for the interference of the sympathising citizens of America, your Lordship is aware that all the energies of this province were suddenly roused, and the Government had great reason to be thankful for the activity and zeal of the magistrates and other loyal subjects in the Newcastle and Midland Districts.

Several known disaffected persons were apprehended upon secret information, under various charges of treasonable practices, and lodged in gaol; and under the circumstances represented, it was considered that the suspicions against the parties were sufficiently strong to justify their detention in custody, during a period of considerable peril and very general alarm.

Thus matters stood, until there was reason to hope that the immediate danger had passed away; but then, of course, it became my duty to turn the earliest attention of the Government to the cases of any persons who were in confinement, without having been fully committed in the regular course of law. Some instances of this kind were presented in the Midland and Newcastle Districts, and after due inquiry had been instituted, such prisoners were discharged.

No. 3. At that time the best possible feeling was manifested towards the Government, as your Lordship will perceive by the enclosed copy of an Address which was presented to me, numerously signed by the most respectable and influential persons in those districts.

In the course of the month of April, and during the early part of May, when the view taken of parties in this province in the Earl of Durham's Report was generally known, some excitement became manifest; the disaffected class in the Newcastle and Midland districts was amongst the foremost for renewed agitation, and the individuals who had been incarcerated during the winter proved the most active in promoting discord.

Such are the grounds on which the strong feelings expressed in the Address of the magistrates of the midland district have been called forth. I had hoped, indeed, that much of the bad feeling resulting from circumstances growing out of the insurrection of the winter of 1837-1838 would have died away, and I had no reason to expect this renewed excitement. A clear anticipation of it would not, however, have wrought any change in my measures; and, in submitting to your Lordship a copy of the Answer which

No. 4.

I directed to be made to the magistrates, I confidently believe Her Majesty's Government will consider that the propriety of the course pursued is fully sustained. I trust, also, that the magistrates themselves will be satisfied, upon the explanation given, that, whilst I felt bound to secure the Government from the imputation of an arbitrary proceeding, in continuing restraints upon personal liberty not absolutely necessary to the safety of the province, it never could have been my intention, in causing the prisoners to be discharged, to question the integrity of the motives, or to lessen the weight and influence, of the civil authorities.

At the same time that I have studiously endeavoured to remove from the minds of the magistrates, the impression that a tendency to convey a reflection on them attached to the discharge of those prisoners, I shall continue to claim a privilege of exercising the powers of the executive Government, unfettered by any set of men, however loyal or influential they may be.

When the insurrection broke out in December, 1837, a considerable number of persons in the Midland and Newcastle districts at once took up arms, and moved off in order to surprise Kingston, and get possession of Fort Henry; and at the recent muster of the militia at Percy and Murray on the 4th and 5th of June, much violence was again displayed.

I enclose a copy of the statement made by the magistrates, as well as of one from Colonel Campbell commanding the 5th Northumberland regiment of militia, by which your Lordship will see the exact nature of the affray which took place, originating in the display at the militia muster of an American flag, and of the "Earl of Durham's flag," which the republican party in the province have adopted, as affording them an opportunity of concealing their real designs, under the specious pretext of merely advocating that form of government which has been recommended by his Lordship.

I also enclose a letter from Mr. Manners, a respectable English gentleman who emigrated to this province a few years ago, enclosing a printed notice for calling a meeting to take into consideration the form of government recommended by the late High Commissioner.

I further enclose a copy of a letter from Mr. M'Mahon, sheriff of Prince Edward district, expressive of the apprehensions which he entertains in regard to the indications of further agitations in the Midland and Newcastle districts.

The exhibition of a particular flag in honour of a nobleman who has lately held the highest offices in these provinces, and the discussion of any form of government recommended by his Lordship, ought not in itself to be any cause for alarm on the part of the magistrates; but it is the class of persons engaged in displaying these badges which appears to have roused the feelings of the loyalists in the midland district.

The last reports from Captain the Baron de Rottenburg, who has the military charge of the Midland district, are herewith transmitted. This officer seems to regard present appearances rather seriously, and, by the answer I have caused to be addressed to him, your Lordship will perceive that I have instructed the Baron to be prepared for any emergency, and to act according to circumstances.

I have entered thus much into detail as to what is passing in the particular districts in question, because I consider them to be amongst the most disloyal in the province: and in the present state of things no person can venture to predict what may not happen in the brief interval of a day; it is, however, my opinion that much of this demonstration is intended to keep alive excitement and agitation most harassing to the loyal inhabitants of the country, as well as highly prejudicial to its best interests, rather than that any immediate revolt is meditated. The hitherto extravagant proceedings of the disaffected party warrant a belief that there is nothing, however desperate or wicked, they may not attempt; but, unless there should be another revolt in the lower province, or a serious invasion from the American side, I cannot conceive it possible that they will place their lives in such imminent danger as would result from open violence.

Captain Sandom reports that some of Johnstone's party have fired upon some of our sailors on the St. Lawrence, but of the importance of this occur-

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.

No. 5.  
No. 6.  
20th June, 1839.

No. 7.  
26th June

No. 8.

No. 9.  
21st June.  
26th "  
20th "  
No. 10.

No. 11.  
Captain Sandom.  
25th June.  
26th "  
Col. Halkett.  
29th June.



No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.

rence I cannot at present judge. Some extraordinary mystery seems to attach to this man's proceedings; for there is such clear testimony against him as having been concerned in the affair of the "Sir Robert Peel," that it is surprising he is not apprehended and brought to trial. It is said, however, that some measures for that purpose are now in progress.

I have not yet received any official reply from Mr. Fox, respecting Colonel Worth's proceedings at Brockville, and I do not expect that the American Government will take serious notice of it; the stir I made, however, will, I hope, prevent any recurrence of a course of conduct so unjustifiable, and so dangerous to our tranquillity.

Neither have I received any official reply to my application to the American Government through Mr. Fox, for the arrest of Benjamin Lett, against whom an indictment was found by the grand jury for the murder of Mr. Usher on the Niagara frontier; but I know this appeal to be quite hopeless, as Mr. Spencer, the Secretary for the State of New York, informed the gentlemen who was the bearer of my communications respecting Lett, that unless Sir Allan McNab and Captain Drew were surrendered for the murder of American citizens at the affair of the "Caroline," any such demand on our part could never be complied with.

The matter will, of course, be brought under the notice of Her Majesty's Government by Her Majesty's Minister at Washington, and it is earnestly to be hoped that the discussion respecting the "Caroline" may be, in some way or other, definitively adjusted, or it will continue to be brought forward on all occasions, and regarded as a satisfactory reply to any applications we may make for the redress of the most lawless and atrocious proceedings against the people of this province.

Your Lordship will be glad to hear that the American authorities have at length brought M'Kenzie to trial for a breach of the neutrality laws, that a jury has been found to convict him, and that a sentence of eighteen months' imprisonment has been passed upon him.

This is the first indication we have had of the determination of the Americans to inflict punishment on those who have so long disturbed our peace.

Her Majesty's subjects on the Niagara frontier are restless and anxious on account of some dreaded internal commotion, and from the apprehension of small brigand parties crossing from the American side; but I trust this panic will shortly subside.

Although it drew forth some observations and reflections that were rather painful to me at the time, the free pardon which was extended to all the young prisoners, to the wounded, and to a few others, seems to have produced the effect I contemplated; and an intimation has just been made to me from the President of the United States, and from General Scott, who is now on the frontier, that this act of grace has worked most beneficially in allaying excitement: notwithstanding these assurances, however, as it has invariably been my object to avoid, by all possible circumspection, being either misled myself or misleading her Majesty's Government, I deem it proper to add, that the patriot cause is, I believe, as dear to the American people as ever; although, having now tested the difficulties of the "speculation," I doubt their venturing upon another descent, unless encouraged by some strong prospect of success; and from such a prospect I confidently trust they will be completely excluded by an extensive colonization from Great Britain, and by the adoption of other judicious measures for the future tranquillity and security of the province.

I have, &c.

(Signed) GEO. ARTHUR,

The Marquis of Normanby,  
&c. &c. &c.

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Enclosure 1 in No. 29.

To his Excellency Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding the Forces therein.

Encl. 1 in No 29

May it please your Excellency,

WE, the undersigned, having recently, with many of our neighbours, joined in a congratulatory address to your Excellency on the tranquillity enjoyed by this province, through

the judicious precautions taken by your Excellency during the past winter, regret extremely to be now obliged to approach your Excellency with language of complaint and remonstrance occasioned by an act of the Executive, which, with other causes, will, we are apprehensive, be productive of the same disastrous consequences that have been so destructive to the peace and prosperity of the province for the last eighteen months.

The circumstance to which we allude is the liberation, without trial, investigation, or even communication with the magistracy, of Franklin, Fisk, Loomis, and others, committed during the last winter to the gaol of this district on charges of treasonable and seditious practices. In the early part of last winter, the magistracy, in this part of the country, were extremely desirous of meeting your Excellency's views, as communicated in your proclamation, and actively endeavoured to obtain the best information as to the movements and intentions of those who, as events have proved, were justly suspected of holding an active and guilty correspondence with each other, and with designing and desperate characters in the neighbouring States, meditating a descent upon this and the Lower Province, in, as we wish it will ever prove, the vain hope of severing us from the allegiance of our young and gracious Sovereign, and of destroying every vestige of the British constitution and British power in North America.

In endeavouring to follow up your Excellency's views for the preservation of internal tranquillity, the magistracy of the country were surrounded by difficulties of no ordinary nature; ill supported by a very inefficient constabulary force not to be depended on for the execution of an ordinary warrant, with no funds at their command for any extraordinary occasion; those who were known to be loyal and well affected to the Government alarmed for their personal safety, by rumours, purposely propagated by the disaffected; the disaffected themselves increasing in numbers daily, through the activity of their agents and associates in the country, and securing an influence over the converts to their specious doctrines by the administration of unlawful oaths; a disinclination, even a personal dread, on the part of well-wishers to order and good government, to divulge the alarming intelligence that had been conveyed to them, and not to be induced, by any arguments, to declare the names of the authors of those rumours from an avowed apprehension of personal violence. It was therefore with considerable difficulty that sufficient information could be obtained to authorise the committal of the persons already alluded to, and this not until after the country had been restored to something like tranquillity and reassurance by the vigorous measures of your Excellency. Then, indeed, many individuals might have been implicated, on good and substantial testimony, of being concerned in traitorous and seditious practices. But great care has been taken not needlessly to harass those who were the mere instruments and deluded followers of wicked and designing leaders: in this light the persons above enumerated stood so implicated in seditious, if not treasonable, correspondence, that they could not be held innocent in the eyes of their fellow-subjects, unless pronounced so by a jury of their country.

We do not wish, in any manner, to interfere with the royal prerogative of mercy, after conviction; but, standing in the responsible situation we do, as conservators of the peace, we feel it to be an imperative act of duty, reluctantly, yet respectfully, to protest against the too liberal and undistinguishing extension of the supreme authority, in liberating persons, thus situated, from the operation of the laws they have violated, but which it is our duty and our pride to uphold.

We beg to state most respectfully to your Excellency, that in so doing an act of great censure is implied and conveyed toward the magistracy of the country, more severe than anything contained in the report of my Lord Durham, or in the disloyal press of this country. Such acts have a tendency to blight and destroy the loyalty to the Crown, and devotion to the institutions of his country, which has hitherto been the boast of every Briton—we regret to say such effects have already been produced.

Those who are disaffected have the audacity to suppose that their plans and intentions are secretly encouraged by the Executive of the country, and, libellous as this we know to be, we have not the means of refuting it, as to the acts of the Government we are continually referred for proof of their assertions.

We regret to assure your Excellency, that the clemency which you have been pleased to extend in the cases now under consideration has not been attended with those results every honest man would delight to behold. On the contrary, the parties liberated have used the most insulting language and threats to their neighbours. On one occasion, an officer on duty has been violently assaulted, and further threatened by one of the men so liberated.

We cannot conceal from ourselves, that the convulsion which has arisen in the province, has not arisen from a mere strife of parties for political ascendancy, but from a deadly antipathy to everything British. The clemency manifested by your Excellency to these guilty men, has been ascribed to fear on the part of the Government, and we have now every moral assurance, that a recommencement of the same seditious acts against the Government, and annoying measures to the well-disposed inhabitants of the country is already in progress. A feeling of insecurity, far worse than great and manifest danger, begins again, since the discharge of the militia force, to pervade the breasts of those who would live in peace, and be well-disposed towards the Government of the country.

It remains for us only to solicit, with the utmost humility and respect, that your Excellency would be pleased to give us some assurance that in future the acts of the magistracy, when not contrary to law, shall be sanctioned and upheld by the executive. If not, their office, hitherto not one of ease, will be such as no man of honour will consent to hold, and, moreover,

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.

Encl. 1 in No. 29.



No. 29  
 Sir George Arthur  
 to the Marquis of  
 Normanby.  
 1st July, 1839.  
 Encl. 1 in No. 29.

such as no prudent man could well be required to hold, since, in addition to what has already been advanced, the individual magistrates, who have been engaged in making the late arrests and investigations, have been held up to the public as having acted from private and personal motives, and altogether contrary to the wishes of the executive of the country; and their acts, so far, have met from that executive with an ill-merited censure. For ourselves, we do not suppose that the executive intended to convey any such censure.

We have further to beg the indulgence of your Excellency, when we venture, from own knowledge of this portion of the country, to assure you, that in our opinion, founded on the present excited state of the public mind in these parts, and the late manifestations of public opinion on the American shores, just opposite to us, it would be hazarding too much, and jeopardising the safety of this part of the province, to leave the Presqu' Isle station without a strong detachment of militia or regulars, to be supported by another, either at the Trent or Belleville. The internal state of this portion of the country, we humbly submit, requires the presence of rather a strong force to discountenance the disloyal feeling which has been engendered by designing men, and which, we feel convinced, no act of royal clemency, however gracious it may be, will ever counteract.

We have the honour to subscribe ourselves, with the greatest respect, your Excellency's most obedient humble servants,

ROBERT C. WILKINS, J.P.  
 WILLIAM ROBERTSON, J.P.  
 SHELDON HAWLEY, J.P.  
 CHARLES SHORT, J.P.  
 JOHN N. MURPHY, J.P.  
 J. BROOKS CROWE, J.P.  
 WILLIAM BROWNE, J.P.

B. M'MAHON, J.P.  
 JOHN STEELE, J.P.  
 D. CAMPBELL.  
 B. B. RANNEY, J.P.  
 CHARLES BIGGAR, J.P.  
 BENJAMIN WELLER, J.P.

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Enclosure 2 in No. 29.

LETTER from Mr. WILKINS to the Hon. JOHN MACAULAY.

DEAR SIR,

Carrying Place, 30th May, 1839.

Encl. 2 in No. 29.

IN forwarding the enclosed address to the Lieutenant-Governor, I am particularly requested by my brother magistrates, to request you will convey to his Excellency an assurance, that although they have deemed it in this instance but an act of duty to themselves to remonstrate against any future acts of the Executive—similar to those which are the matter of complaint in their address—yet they still feel grateful to his Excellency for the general measures he has adopted for the safety and protection of the country, and are disposed to place the strongest reliance on his foresight, vigilance, and care in any future measures he may adopt for that purpose. They wish his Excellency to be assured, that it is the most remote from their desire to cause him any embarrassment in his administration of the government, by this their complaint and remonstrance; on the contrary, so long as his Excellency may deem their services of any value to the country, they are desirous of strengthening the hands of the Executive, by forwarding the views of his Excellency for the preservation of the peace, and maintaining the supremacy of the British Crown in this province. In these sentiments I most cordially concur, and I beg you will take a fit opportunity of conveying them to his Excellency, as the sentiments of myself and the gentlemen who have signed the enclosed address.

At the same time, and in illustration of the motives which have induced them to address his Excellency on the present occasion, I am desired to say, that should the Executive continue to discountenance the acts of the magistracy by indiscriminate acts of lenity towards the guilty and active authors of our late troubles, that their usefulness and respectability as magistrates will, henceforward, be small indeed; and their authority, now ill sustained by the people of the country, will be totally disregarded, if an opinion is to prevail that they have not the confidence and approbation of the person which has called that authority into existence. Every act of grace on the part of the Crown towards the infatuated men who have brought the country to the verge of open rebellion and collision with our unprincipled neighbours on the other side the line, has been wilfully misrepresented by these men as proceeding from fear; while the magistrates performing, as they humbly trust, but an act of duty to the country, and that in all cases most cautiously, are placed in no enviable position. Stigmatized on one hand by the disaffected, with having acted solely from revengeful and malicious motives, motives of which they feel confident his Excellency will acquit them; they, on the other hand, accused by the well affected and the friends of good order, under the influence certainly of excitement and alarm, with a want of energy, and inattention to the security and peace of the country. The difficulties of their situation are still further greatly enhanced; for as all the acts of lenity have hitherto been ascribed to other than the true motives, they have yet had the effect of inducing the leaders of the contemplated revolt to act with more secrecy and

caution; and those who might under other circumstances, perchance, have given information of their proposed plans, will hereafter be doubly deterred from giving that information, under a well founded dread of being themselves marked out as objects of revenge and personal visitation at no very distant period, they are naturally afraid that the Government cannot, or will not, protect them.

It will be needless to say more, as far as the magistrates are concerned, assured as they are by wilful misrepresentations of their conduct and motives, and lively sensible to the injurious effects of many parts of the report of his Excellency the late Lord High Commissioner and Governor-General of these provinces. *Erroneous* as they conceive certain parts of that report to be, both on his Excellency's administration, and the loyalty of many of Her Majesty's subjects, with a tendency also to keep alive the agitation, and anti constitutional views of those who have so long kept the province in a state of disquiet, they feel that their usefulness must be greatly curtailed, unless they have the good fortune to obtain the countenance and confidence of the Executive. Under present circumstances I can assure his Excellency they are not reposing on a bed of roses.

With respect to any other remarks or expressions used in the Address, not immediately in reference to themselves, it is the unanimous opinion of the gentlemen who signed it, they contain the sentiments of the people in this neighbourhood; and although they do their endeavours to prevent a public expression of their opinions, as fearing such an expression might have an evil tendency in the country, and probably very much embarrass the Government, yet they feel they would be wanting in their duty to his Excellency, did they not fearlessly, though respectfully, make him with their existence.

I regret to state that it is the opinion, without exception, of the gentlemen who now address his Excellency, that incipient manifestations of agitation and disaffection are again displaying themselves. Since the disbanding of the militia in this neighbourhood, an undefined sensation of approaching calamity pervades the breasts of many well informed and temperate persons in this portion of the country.

In conclusion, I am instructed to say that if his Excellency shall be pleased to entertain favourably the Address now transmitted to him by me, it will afford the magistrates the most unalloyed satisfaction to have his Excellency's approbation conveyed to them through you or any other channel his Excellency may think proper. And that without some mark of confidence in them, on the part of his Excellency, they feel it will be impossible for them in any future emergency to exercise the important trust reposed in them with credit or safety to themselves, or with benefit to the country and the Government.

I have, &c.  
(Signed) ROBERT C. WILKINS.

The Hon. John Macaulay,  
&c. &c. &c.

(Copy.)

Enclosure 3 in No. 29.

ADDRESS from the COUNTY OF HASTINGS.

To His Excellency Sir GEORGE ARTHUR, K. C. H., Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

WE, the undersigned inhabitants of the county of Hastings, took an early opportunity of conveying to your Excellency a declaration of our firm attachment to our mother-country, and of our confidence in your Excellency as a most suitable person to administer the affairs of our provincial government.

At this time your Excellency had been but a few short weeks in this province, and we ventured to point out to your Excellency the fact that the machinery which had been put in operation during the past winter, for levelling our institutions, was yet complete, and was only kept back for a more convenient occasion.

That occasion has presented itself, and we now hasten to lay before your Excellency our expression of our grateful feelings for the precautionary measures you have adopted, and to declare that we are fully satisfied that your Excellency has been most justly excited to take the steps you have done from the most rational apprehensions. We cannot too sincerely thank your Excellency for defending the temple of our constitution, our homes from aggression, and, arrested by your foresight, the merciless and base invaders of our free soil from laying it prostrate in the dust. Were we not to do all in our power to aid your Excellency in maintaining the dignity of the empire, we should richly deserve to fall a prey to the crafty and designing of British dominion in America—justly should we be visited by the sway of a licentious mob—justly should we fall into a desolate state of anarchy and confusion, and deservedly and unpitied should we be despised by our brother Conservatives at home, if we

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.

1st July, 1839.

Encl. 2 in No. 29.

Encl. 3 in No. 29.



No. 29.  
 Sir George Arthur,  
 to the Marquis of  
 Normanby.  
 1st July, 1839.  
 Encl. 3 in No. 29.

failed to second the exertions of your Excellency to maintain civil and religious liberty throughout the province of Upper Canada. Therefore, much as we are encouraged by the frequent defeats of our foes, we are not ignorant of the fact that we must rely more on our own exertions, under the protection of Almighty God, for a total discomfiture of our foes, than upon the weakness and wickedness of their cause; for their obdurate hearts seem alike callous to the God-like powers of mercy, as to the sterner attributes of justice.

Fully as it has been established to the conviction of the thorough sceptic that a conspiracy has been deeply laid in a foreign land to overthrow our unparalleled constitution, so surely is it beyond all doubt that a co-operating treasonable association, of a most alarming character, has been organized in, and is extending its influence throughout the province, and which, but for the wise and precautionary steps taken by your Excellency, would have burst upon us at the time the barbarous pirate horde invaded this province at Prescott.

It is but too evident that, from the manner in which the marauders came prepared to complete their work of death, that higher and more experienced engineers than the misguided, ignorant, and rapacious of the people, are steadily and effectively at work, to keep alive the angry passions of the infidel by the powerful and influential aid of appealing to their sympathies and their wants. And that all their combinations and plans have failed, as well abroad as at home, next to a kind and all-bountiful Providence, we have to thank, and do most cordially thank your Excellency, for the watchfulness and anxiety you have shown, and the precautionary measures you have taken for the security of our lives and property.

(Signed)

JOHN COCHRAN, Clerk,  
 JAMES KETCHAN, Scotch Minister,  
 T. PARKE, J. P.,  
 EDMUND MURNEY, M. P. P.,  
 and 312 others.

Belleville, County Hastings,  
 26th December, 1838.

(Copy.)

Enclosure 4 in No. 29.

#### LETTER to the MAGISTRATES.

GENTLEMEN,

Government House Toronto, 17th June, 1839.

Encl. 4 in No. 29.

I AM directed by the Lieutenant-Governor to acquaint you that he has perused with much attention and deep interest the memorial addressed by you to his Excellency, and transmitted to Mr. Secretary Macaulay, by Mr. Wilkins, with his letter to that gentleman of the 30th ultimo.

Previously to entering on a more particular reply to the general subject-matter of your representation, I am instructed to convey to you the strongest assurance that his Excellency is fully aware of the numerous and serious difficulties which have for some time past attended the performance of your magisterial duties; and that he justly appreciates the integrity and loyalty of the motives by which your conduct has invariably been guided.

After this explicit declaration of his Excellency's sentiments on this point, it can scarcely be necessary for me to add, that there never was the most remote intention of conveying the slightest censure on your proceedings by those acts of the Executive Government which you consider calculated to lessen your influence with the public, and, by consequence, to impair your power of being useful as magistrates.

The more material object is to place the *principles* of those acts of the Government before you in such a manner as may induce you to acquiesce in their propriety and expedience, in spite of some inconveniences with which they may have been accompanied; and to this task I am now to address myself.

Your objections seem to resolve themselves into two heads, viz.:—

1st. A general complaint against the practice of releasing, without trial, parties who had been imprisoned upon suspicion of treason; and, 2ndly, a particular remonstrance against the liberation of Franklin, Fisk, and Loomis.

I shall, therefore, adopt the same division in the observations which I am about to offer to your consideration.

Of all the powers which can be intrusted to a government, that of arresting and detaining persons in custody upon *secret information* ought certainly to be exercised with the greatest delicacy and discretion. The extraordinary powers resulting from the suspension of the Habeas Corpus Act are conferred solely with a view to the *public safety* in times of pressing emergency and great public danger. Their true and only legitimate object is the preservation of the public peace, by the confinement of those persons who are suspected of a design to disturb it; and when the danger which induced their arrest has passed away, the common rules for the administration of justice, and the constitutional safeguards of personal liberty, instantly revive.

If the evidence openly taken against Prisoners be sufficiently to justify their committal, without resorting to secret information, the magistrates obviously possess authority to act without reference to the Executive Government. If, on the contrary, vehement suspicion be the only ground for the detention of prisoners, and the extraordinary powers vested in the Government by the suspension of the Habeas Corpus Act be consequently necessary to warrant

their confinement, their discharge ought to follow *immediately* upon the termination of the danger which led to their arrest.

Such at least are the principles by which the Executive Government has been directed; and in authorizing the release of prisoners confined under the extraordinary powers confided to the Lieutenant-Governor in council, it was not intended in any way to restrain the magistrates from instituting any proceedings against them in the *usual and ordinary course of law*. The only question, therefore, is, whether the Government was correct in supposing that the public security did not demand, in the instances to which you have alluded, the further exercise of the extraordinary powers with which it was invested? And it seems a very satisfactory answer to this question, that the release of the prisoners, which forms the gravamen of your complaint, only anticipated by a short period a result which would soon have taken place from the non-removal by the Legislature, during their late session of the suspension of the Habeas Corpus Act.

Having thus endeavoured to set before you the general principle by which the measures of this government have been guided, I shall next advert to its proceeding, in reference to the three individuals mentioned by you.

On the 31st of December, Mr. Bethune addressed Mr. Secretary Macaulay a letter, from which the following is an extract:—

“ I understand that Bildad Franklin has made an application to be bailed : it will, therefore, be necessary to have his Excellency's warrant sent down without delay, as it is doubtful whether the evidence before the committing magistrate would warrant his detention in gaol, and the evidence of Loomis cannot be made known to the judge.”

On the 16th of January Bildad Franklin petitioned the Lieutenant-Governor for his release, representing—“ That he had been for some years labouring under a disease of the liver and lungs, which was much aggravated by his confinement in a damp prison : he further represents his family and affairs in a most deplorable state, and prays that he may be restored to them.”

Mr. Sheriff Ruttan adds this certificate to this petition in the following terms:—“ I certify that the statement made by B. Franklin, regarding his health, business, and family, is correct.”

To which is subjoined a certificate of a surgeon to the same effect. No remonstrance is made by the sheriff against the release of Bildad Franklin, and the Council regarded the sheriff's certificate as an implied recommendation in the prisoner's favour. Under these circumstances it certainly did not appear that the province would be exposed to any danger from the liberty of an individual, thus represented as suffering by disease aggravated by confinement ; and it would, consequently, have been deemed an act of extreme rigour, savouring of cruelty, to incur the chance of the prisoner's losing his life merely upon suspicions unsupported by evidence sufficient for his trial and conviction. Such were the considerations which led to the discharge of Bildad Franklin ; and it is conceived, that on this view of his case, no unprejudiced person can doubt the propriety of the treatment pursued towards him—particularly when it is remembered that no restraint was thereby imposed upon the magistrates in the exercise of their ordinary and regular functions.

If I have succeeded, as I confidently trust I have, in establishing, that the discharge of Bildad Franklin was a necessary act of justice, it will only remain for me to add, that Levi Loomis and Almeran Fisk, who were also confined merely on suspicion of treason, were discharged at the suggestion of Messrs. Ruttan and Bethune, who, in the postscript to a letter, dated 4th March, 1839, have thus expressed themselves:—

“ Since writing the above, we have ascertained that Levi Loomis and Almeran Fisk have not been discharged as yet, and we beg, therefore, to request that they also may receive the favourable consideration of his Excellency the Lieutenant-Governor, and be discharged from custody.”

In conclusion, I am desirous to communicate to you the most unequivocal pledge of his Excellency's earnest desire to support and uphold the magisterial authority in every part of the province ; and at the same time to claim from you that liberal construction of the acts of his administration, which the Lieutenant-Governor is satisfied you will be disposed to place upon them, from the knowledge you possess of the present situation of this country, and from the conviction you must feel of the urgent necessity for a scrupulously just, as well as firm and vigorous, administration of the government.

The Lieutenant-Governor has heard with great regret of recent transactions of an unpleasant nature in the Midland District ; and I am to add, that his Excellency is prepared promptly to co-operate with you in order to put down any attempt that may be made to disturb the public peace.

I have, &c.

R. A. TUCKER, Prov. Sec.

To the Worshipful

(Signed)

R. C. Wilkins,	C. Short,
S. Hawling,	J. B. Crowe,
J. V. Murphy,	R. McMartin,
W. Bowen,	D. Campbell,
J. Steele,	C. Biggar, and
R. B. Ramny,	B. Weller, Esqrs.
W. Robertson,	

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.  
Encl. 4 in No. 29.



Copy.]

Enclosure 5 in No. 29.

## LETTER from the MAGISTRATES of PERCY.

SIR,

River Trent, 15th June, 1839.

No 29.  
Sir George Arthur  
to the Marquis of  
Normanby.

1st July, 1829.

Encl. 5 in No. 29.

IN consequence of a riot, of rather an aggravated nature, having occurred at Percy, on the 5th instant, at the general training of the Percy Division of the 5th Northumberland Militia, and it being reported that one or more persons were in jeopardy of their lives from the bruises received in it, we thought it our duty, as magistrates, to make an inquiry into the circumstances of the case; and on Saturday last, together with Mr. Meyers, we proceeded to that township, to inquire into the circumstances of the riot, and the causes which gave rise to it.

In making this report to you for the information of his Excellency the Lieutenant-Governor, we do not think it necessary to enter into the case, which we thought proper to deal with in a summary way, or to allude to others which may hereafter come before us in our magisterial capacity; but we do think it our duty to make his Excellency acquainted with the circumstances which caused the riot, as indicative of the state of feeling in this and, we fear, in the adjacent parts of the country.

On the morning of the day alluded to, (Wednesday, the 5th June,) when the Percy Division of the Northumberland were ordered for general training, a party of people from Cramahe, the adjoining township,—but totally unconnected with the regiment,—to the number of about thirty, made their appearance with a red flag, on which were written, or printed, the words “Lord Durham and Reform;” which flag they paraded through the village of Percy Mills, and afterwards hoisted on a pole at Stone’s Tavern, where the division of the regiment met to train. In the course of the day, a heavy shower of rain fell, and the Colonel ordered the men into a barn for shelter, and, while they were proceeding thither, a lad of some seventeen or eighteen years of age came from behind the tavern, with a pole of about twelve feet long, on which was fixed a piece of old cotton as a flag, having an eagle and the word “Liberty” rudely painted on it, and further embellished with seven blue stars and as many stripes. This flag the lad thrust into the face of an old man, a sergeant in one of the companies present. The old man (who, by-the-by, is an old soldier, and served at Copenhagen in the Peninsula and at Waterloo), naturally indignant at such treatment, beat the flag down, when the lad attacked him, beat him, and, in a fall the old man had, kicked him while on the ground. This case we have dealt with as an assault only, under the Summary Punishment Act.

While the Colonel remained, those men who are well disposed towards the Government and Constitution of the country were restrained from displaying any feeling of hostility towards those who, to say the least of it, made a wanton exhibition on the occasion of party emblems, known to be obnoxious to many on the ground. But, when the men were dismissed, and the Colonel had departed, those loyal fellows who, through the day, had submitted with patience to the parading of the offensive flag through the village, its display while they were in the ranks, the jeers and taunts of its supporters, and styling themselves Reformers, could no longer endure the reiterated provocations they received when dared by the Reformers to touch the flag. Although this latter party mustered, by accounts which we place confidence in, from eighty to a hundred men, some half score, or at the most a dozen men, determined they would no longer bear what they considered a most open and wanton insult, and they accordingly went with the determination of having the obnoxious Durham flag removed. They went unarmed, and without any weapon except an axe, which was used only for the purpose of cutting down the pole on which the flag was hoisted. Although the weaker party were unarmed, the Reformers commenced a most furious attack upon them with clubs, whipple-trees, and other dangerous weapons, and it is asserted that, at the last part of the affray, they entered the tavern and a neighbouring blacksmith’s shop, whence they took fire-irons, bars of iron, and every heavy and offensive instrument they could lay hands on. Notwithstanding the fearful odds, both as to numbers and weapons, among the Reformers, so styled, the smaller party maintained their ground for some time, and actually captured the offensive “Durham flag” which gave rise to the conflict, but which was afterwards retaken by the Reformers, re-hoisted, and a man by the name of Curtis (who fled the country during the winter to avoid the execution of a warrant issued against him for treasonable practices), was chaired around and under it by the now victorious Reformers. Some of the smaller party certainly suffered very severely from the dangerous weapons of their adversaries, and there are some very bad broken heads among them: on the other hand the Reformers had but little to boast of, with all their superiority of numbers and weapons, seventeen of their number (nearly, if not quite double the number of the smaller party), being rendered perfectly *hors de combat*. Two men, by the name of Cameron, loyalists, did extraordinary execution, each knocking his man down with a single blow; the elder, it is said, knocked down seven of his opponents. The brave fellows would not avail themselves of the weapons used by their adversaries, but, as their opponents fell, they each took the weapon of the fallen man, and hurled it over an adjoining fence, and continued fighting with their fists only, until one of them was knocked down, and so completely stunned, that his brother, fearing for his life, bore him away from the field. The affray may be said to have then ended, although the victorious Reformers afterwards treated some of the smaller party, while unresisting, in a most brutal and inhuman manner.

We have been rather prolix in describing the riot as we understood it to have occurred, and glad should we be if we could venture to assure his Excellency that it was an ordinary riot with no definite end in view, beyond the hope for the moment of routing, and if you please, beating the opposite party. With the smaller but loyal party, we believe that no intention existed of commencing a riot when they went on the ground, nor has there been any desire

manifested of prosecuting the matter in a judicial way. The general answer has been, that there is no wish for any further proceeding, as each one is satisfied with what he got and what he gave. But with the reformers or rebels the case is not: so there is among the leading men of them a deadly hostility to and a thorough hatred of everything British; they went on the ground prepared to create a riot. Among the Cramahe people there were arms; men of the most notoriously disloyal character during the past winter were leaders and instigators to the present riot. W. L. McKenzie's name was mentioned as one under whose auspices the Durham flag would wave for the benefit and prosperity of the province.

In addition to all this, threats of private vengeance have been uttered against the persons and properties of individuals.

Neither can we consider this riot and the proceedings connected with it as the last convulsive struggle of an expiring faction. Quite the reverse. The same Durham flag was hoisted the day previous at the training of the 3rd Northumberland, where and when a speech *is said*\* to have been made by the colonel of the regiment, in approval of elective institutions. No doubt that such a speech, instead of an order to remove party emblems from the ground on such an occasion, was mainly the cause why the flag was subsequently carried to Percy, and supported there by persons from beyond the limits of the Province.

Should his Excellency require proof on oath of the existence of any conspiracy at present, of the guilty intercourse of parties professing to be British subjects with plotters on the other side, or of a concerted plan for making disturbance in the country within a limited time, we must fairly say we have no such evidence, neither can we get it. Those who are truly loyal of course are not admitted into the secrets of the opposite party. The timid and the lukewarm believe the Government must succumb to the rebels, and some of them from indifference as to the result, some from actual apprehension, will not give evidence. Those who are admitted into the secrets of the party will of course not betray themselves. They feel morally certain the Government are unable and unwilling to punish them, and they are generally of a class who take very little account of the sanctity of an oath. As an instance of this, in a case of assault connected with the late riot, two men were sworn for the accused. Their recollection was very good so far as regarded the assault; but, although they admitted to have ridden in the waggon while and in which the Durham flag was paraded, and were round the pole when the flag was hoisted on it, and also knew the individuals generally who composed the meeting, yet persisted in a declaration that they did not know who had the charge of the flag, who hoisted it, or, in short, who had anything to do with it. But that plotting against the peace of the country is going on, and that traitors are amongst us, and permitted to be unmolested, we have no doubt of for an instant.

After what has been said, we beg of you, Sir, to call the attention of his Excellency to the fact that, in almost any case (but especially should he by any means, particularly at his own control, discover that our suspicions with respect to the state of this part of the country are correct) we are but indifferently provided for the maintenance of the peace. The constabulary force, such as it is, is not to be depended on. It is most inefficient for its most ordinary duties, and to trust to the exertions of individuals might be dangerous. There is an asperity and bitterness of feeling in the country, occasioned by restless and designing men, who have long hindered the advancement and disturbed the peace of the province, and who, many of them, have personally experienced, although they have ill appreciated, the lenity of the Government. If his Excellency shall be of opinion that we are right, we earnestly request that he would be pleased to place some permanent force in the neighbourhood to keep down the vagaries of the disaffected among us, and to prevent the necessity of an application for assistance to those who might be prompt enough to afford it, although not altogether so temperate as might be desirable in the execution of a difficult service.

His Excellency may probably think we are travelling beyond the limits of our duty in venturing to submit any opinion of our own to his Excellency until called upon to do so. The circumstances of the times, and the state of the country, must be our apology. We know of no medium or official channel between the executive and the magistracy; and therefore, having the peace of the country at heart, we are obliged to address his Excellency directly, that we may not hereafter have to reflect on ourselves for having withheld information, or our own humble opinions, when either one or the other might be of the slightest service.

We have, &c.

(Signed)

WILLIAM ROBERTSON.  
J. BROOKS CROWE.

The Hon. John Macaulay,  
&c. &c. &c.

We have omitted to mention that a very strong and very general opinion appears to prevail in Percy and Murray, that some important movement will be made among the disaffected in a very short time, probably on or about the 4th July. This impression arises from some intemperate, and, on their part, unguarded threats used by the disaffected against individuals known to be supporters of the Government. We can, if required, get an affidavit from a person who has recently been on the other side, that several persons told him, while there, to the effect that the 4th of July would be an eventful day for Canada.

(Signed)

J. B. C.

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.  
Encl. 5 in No. 29.

\* "Is said," I was present and heard the speech.—Signed W.R.



(Copy)

Enclosure 6 in No. 29.

LETTER from Colonel CAMPBELL to the ADJUTANT-GENERAL of the Militia.

SIR,

Seymour, 20th June, 1839.

No. 29.  
 Sir George Arthur  
 to the Marquis of  
 Normanby.  
 1st July, 1839.  
 Encl. 6 in No. 29.

AN affray having taken place in the township of Percy on the 5th instant, after the dismissal of the militia by me, to which the attention of the magistrates has been called, and those gentlemen having now terminated their inquiries, which will probably be laid before his Excellency the Lieutenant-Governor; a report from me also, as commanding officer of the regiment, may perhaps be expected. I, therefore, do myself the honour of submitting to you, for his Excellency's information, the following account of what took place on that occasion.

The 5th Northumberland regiment under my command being composed of the population of the townships of Seymour and Percy, I am unable, in consequence of distance, want of direct roads, and the necessity of crossing the river Trent, over which there is but one ferry in Seymour, to call the regiment together by townships. I accordingly named the 4th instant for the muster of the people of Seymour, and the following day for that of the men of Percy, at a central part of the township of Percy, called Stone's Tavern. On approaching the ground, in the latter township, I observed the people assembled in groups, but perceived no indication whatever of any extraordinary feeling amongst them, though I remarked a good many strange faces in the crowd. Shortly after my arrival, and while I was in the tavern, I heard the report of a musket, and immediately afterwards a person came up to me and drew my attention to a flag which had at that moment been hoisted in front of the house. It was a large red flag, on which was marked in large characters "Lord Durham and Reform." Round the flag was assembled a large group, whilst around me, at the door of the house, appeared to be collecting persons of a different political character, some of whom were very urgent that I should order the flag to be cut down. As there was nothing objectionable in the flag itself—though I could not but be aware that the name of Her Majesty's late Governor-General of these provinces has for some time past been used as a rallying word for the disaffected—I did not conceive that I should be justified in using the military power at my command for such a purpose. But, feeling that there would be a gross impropriety, under any circumstances, in mustering the men under any other than the national flag, I withdrew them to a building on a neighbouring farm—the day being wet—and then, for the first time, perceived that there was a reluctance on the part of some of the men to move from the standard of disloyalty. No man, however, belonging to the regiment refused to obey my orders; and after a short time the whole were assembled in the building already mentioned.

Whilst the rolls were being called, one of the captains stated to me that he had just heard that a man of the regiment had been attacked and badly treated by some of the people at the flag-staff, and requested permission to go down with a portion of his company to his rescue. This, however, I refused, but went down myself to withdraw him, and when on the road was informed that the man who had been beaten was the aggressor, he having knocked down one of the Durham men for a disloyal speech. At this moment an officer and two other persons of the regiment came up to me with a flag which had just been taken from a fellow by the name of Sheppard, who, availing himself of the absence of the greater portion of the militia, attempted to raise it. It was a white flag, with a coarse representation of an eagle, and a number of stars and stripes, evidently intended to represent the flag of the United States of America. This flag I retained until after the dismissal of the regiment, and then handed it to a magistrate, with a request that he would take the necessary steps for bringing the owner to justice.

On returning to the regiment, I addressed them on the impropriety of making militia meetings scenes of political squabbling—that I could there give no countenance to party feeling—that I knew them only as soldiers, and as such, while under my command, they should assemble under no other flag than the national one—that I could readily imagine many of them might not see the impropriety of hoisting the flag of a nobleman so recently high in office in this country; but I feared it had been brought there for the purpose of exciting angry feelings, and hoped they would disappoint those mischievous individuals who brought it, by going quietly to their homes. After this, and until my departure from the township, nothing could be better than the conduct of the people of Percy.

When I left the tavern there did not appear to me to be more than thirty or forty people remaining about the place, principally aliens, liberated prisoners, and self-banished traitors, who returned to the country on the liberation of their associates in treason, to rouse anew a feeling which, for a time, had been completely suppressed.

Thus far I have spoken from my own observation of what occurred, but I regret to add that I have since been informed, that shortly after my departure, which was not until a late hour in the day, a small band of loyal men, amongst whom was an officer of the regiment, returned to the tavern for the purpose of cutting down the flag, which they succeeded in doing, but not without an opposition which produced a general battle, which ended in the recapture of the flag and a great deal of bloodshed, but fortunately without loss of life. I also learn that in the evening a man of the name of Comfort Curtis, one of the leaders in the troubles of last winter, was chaired!

It is certainly much to be lamented that any of the well-disposed men of the township should have taken part in this affray; but it is scarcely to be expected that they should have quietly tolerated what they appear to have considered insulting conduct on the part of men who, but a few months ago, were busily employed in plotting the destruction of their persons and properties, and whose forfeited lives have been spared by the lenity of Government, in the hope of

exciting a feeling which they have shown themselves utterly incapable of entertaining; so far from it, indeed, that it appears to have confirmed them in their long-established belief that the forbearance of Government has proceeded from a dread of their numbers and power; and I have but little doubt, that had I adopted any other course than that of separating the angry elements of which the meeting was composed, even the respect which they have always shown for my authority would have failed to prevent a conflict in the early part of the day, which would have been attended with lamentable consequences.

As it is by no means improbable that militia musters may have been considered by officers, as well as men, no improper occasion for the discussion of political subjects and a display of party power, and as it is very evident that much mischief may accrue from an injudicious use of the power of haranguing bodies of armed men on subjects unconnected with their allegiance to their sovereign and their duty as soldiers, I hope it will not be deemed impertinent in me to suggest that the present would be no unfit time—viewing the near approach of a general election—for the issue of a general order prohibiting all such discussion at militia meetings.

I have, &c.  
(Signed) D. CAMPBELL,  
Lt. Col. 5th N. R. M.

The Adjutant-General of Militia, Toronto.

(Copy.)

MY DEAR SIR,

Belleville, June 20th, 1839.

I RECEIVED your letter of the 15th instant, marked confidential, but the official one to which you refer has not yet reached me.

I enclose a letter which I have this moment received from Mr. Bowen, of Frankford, a magistrate for the Newcastle district, and respecting which I shall to-morrow proceed to investigate more fully, and the result I will immediately communicate for the information of his Excellency.

One thing, however, is certain, that where clear and certain information can be had implicating individuals in seditious practices, it is useless any longer to allow them to escape with impunity.

You inquire whether I think the revolutionists in Hastings are armed?

I do not think so badly of these as of the disaffected in Percy, Cramahe, and Murray.

I do not believe that they are armed in any way to enable them effectually to carry on any military movements beyond a few days.

But certainly last winter many muskets were taken by Major Warren and Colonel Landon, in the neighbourhood of Brighton, loaded with ball and buck-shot, and in an evident state of preparation.

Will you let me know whether the commission of the peace you sent me authorizes me to act in the Newcastle and Midland districts?

Believe me, &c.  
(Signed) DE ROTTENBURG.

The Hon. John Macaulay, Toronto.

(Copy.)

SIR,

Frankford, 17th June, 1839.

I FEEL it my duty to give you the earliest information of the substance of a communication which has just been made on oath to me. It is to the effect that my informant was late at night on Saturday last warned by a person supposed to be in some repute with the disaffected, that a rising is shortly intended to take place in this province, and that it will be general. From the person who gave him this warning professedly on account of a personal friendship between them, he was not able to collect on what day the rising is to take place; but from another source he learns that it is likely to be within three weeks, and from a third person he did hear that it was likely to take place on the 23rd instant. He has been advised not take up arms against the reformers, and promised protection if he does not. There are circumstances which he says confirm him in the belief that some mischief is hatching, as an unusual degree of bustle and activity among the known leaders of the disaffected, in riding to and from the back townships, without any visible occasion for doing so.

I am sorry the account I give you is so meagre, but my own observation leads me to think there is an unusual degree of activity among those who have hitherto kept the country in a state of excitement; and I do firmly believe, from what I hear and see, that something serious will occur, and that shortly, unless measures are taken by the Government to overawe and punish those persons who have hitherto abused the lenity shown to them, and will not be satisfied with anything short of an overthrow of the existing state of things, and universal confusion and destruction to the country.

I have, &c.  
(Signed) WILLIAM BOWEN.

The Baron De Rottenburg.

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.  
Encl. 6 in No. 29.



No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.

1st April, 1839.

Encl. 7 in No. 29.

(Copy)

Enclosure 7 in No. 29.

LETTER from Mr. MANNERS to the Honourable Mr. MACAULAY.

SIR,

Haldimand, N. D., June 26th, 1839.

I HAVE the honour to enclose, for the information of his Excellency the Lieutenant-Governor, a handbill which has been just left at my residence by the constable of this town (whom, not knowing the object of his visit, and being seriously indisposed, I did not see), who stated to a gentleman that happened to be present that he had called upon me at the especial request of several loyal subjects of Her Majesty, who were justly apprehensive that the projected meeting will, if unrestrained, be productive of much mischief, if not of actual and immediate outrage.

The reasons alleged for applying to me, in preference to other magistrates who reside much nearer "The Four Corners," it is unnecessary to state, neither do I believe that they are entirely well founded; but I beg to assure his Excellency that I shall always be ready and happy to assist in enforcing any measures for the preservation of the public peace which he may deem expedient, and shall be glad to receive his instructions on the present occasion.

The persons whose names are subscribed to the enclosed are nearly all *Americans* by birth, and implacable enemies of Her Majesty's Government. I am sorry to say that every day furnishes fresh instances of the fatal tendency of Lord Durham's unfortunate and inconsiderate Report.

I have, &c.

(Signed) GEORGE MANNERS.

The Hon. John Macaulay,  
&c. &c. &c.

#### NOTICE.

We, the undersigned, freeholders of the township of Haldimand, request the friends of Lord Durham's Report to meet at the Baptist Meeting-House, at the Four Corners, on Monday, the 1st day of July, at 11 o'clock, A.M., to pass such resolutions as they may think proper and best calculated to bring that form of Government which his Lordship has recommended into effect.

EPHRAIM DOOLITTLE.  
MOSES HINMAN.  
JONATHAN RUSS.  
T. M. HINMAN.

SAMUEL G. TURNEY.  
TRUMAN CARD.  
JOHN WILSON.  
WILLIAM BRADLEY.

Haldimand, June 20th, 1839.

(Copy)

Enclosure 8 in No. 29.

LETTER from Mr. McMAHON to the Honourable Mr. MACAULAY.

SIR,

Brighton, 25th June, 1839.

I FEEL it my duty to acquaint you, that private preparations are making by the disaffected inhabitants in this quarter, to celebrate the 4th of July in Brighton, and who are to be assisted, I understand, by some of their sympathizing friends from Rochester: likewise, that Presque Isle is threatened with an attack between that and the 15th of the month.

Circumstances are daily occurring here to strengthen our suspicions of the probability of this statement, as, for instance, the individuals who have fled from this neighbourhood to the United States last winter, through fear of being arrested for treasonable practices, and returned in the spring, have all crossed over to Rochester during the past and present week, on pretence of business.

I have also the honour to state, that I have received a letter from Colonel de Rottenburg at Bellville, apprising me of a report that was made to Colonel Dundas, at Kingston, by a Mr. Fairfield, of Bath, that 500 stand of arms have been lately landed at Presque Isle, or about it, which report may be correct, as the harbour affords so many small inlets and creeks, along with the many disaffected inhabitants living all round that would naturally aid in concealing anything of the kind rather than making it known. This information, coupled with the conduct of the disloyal here and in Percy, on the 4th and 5th instant, clearly proves to us, that something is going forward upon the opposite side to encourage such proceedings.

It is to be regretted that such a place as Presque Isle should be left so unprotected, while Bellville and the river Trent are guarded; both interior places. May I therefore request that you will be pleased to lay this information before his Excellency the Lieutenant-Governor, for his consideration.

I have, &c.

(Signed) B. McMAHON, J.P.

The Hon. John Macaulay,  
&c. &c. &c.

P.S.—I trust his Excellency will be pleased to order us a few men, which will prevent any disturbance that may be contemplated.

Encl. 8 in No. 29.

(Copy.)

Enclosure 9 in No. 29.

SIR,

Belleville, June 21st, 1839.

I HAVE the honour to enclose a copy of a deposition made before William Bowen, J.P., the substance of which was conveyed to you in my letter of yesterday.

I saw Messrs. Bowen and Crowe, and other magistrates, yesterday, at Frankford; and all these gentlemen express the greatest anxiety at the state of their neighbourhoods, and their belief that an insurrection is on the eve of breaking out.

It is most difficult to get persons to give evidence upon oath of the state of affairs, from the apprehension entertained by them that such a course will entail injuries upon their persons and properties by the disaffected.

I feel great reluctance in offering any opinion to his Excellency Sir George Arthur upon this subject; for, should such prove to be erroneous, the consequences might be regretted by his Excellency should he act upon the same; on the other hand, it is equally my duty to give all the information in my power to the Lieutenant-Governor.

Under all circumstances, and weighing well such evidence as has been brought before me, I am of opinion that a coup d'état is in contemplation, but whether the plan is well laid, or the disaffected at the moment of trial will have the boldness to execute it, are points which can be only conjectured.

I shall continue to use the greatest vigilance, and report all circumstances.

Your letter has never yet reached me.

I have, &c.

The Honourable John Macaulay,  
Toronto.

(Signed) DE ROTTENBURG, Lt.-Col. P.S.

No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.  
—  
Encl. 9 in No. 29.

(Copy.)

Midland District } Personally came before me, William Bowen, Esq., one of Her Ma-  
to wit. } jesty's Justices of the Peace, Philip Embury, of the township of Sydney,  
gentleman, who, being duly sworn, doth depose and say, that on Saturday, the 15th day of  
June, 1839, about the hour of nine or ten o'clock by night, Robert Grace, of the township  
of Rawdon, in said district, yeoman, came to this informant's house, and stated that he,  
Robert Grace, had purposely called upon him, the said Philip Embury, to warn him of  
the approaching danger, as he Embury was his particular friend, and therefore he, Ro-  
bert Grace, did not want any harm to befall him the said Embury, nor his family: further,  
this informant saith that the said Robert Grace told him that there was going to be a  
scrape, as there was going to be a rising of the Reformers from Sandwich to Cornwall very  
shortly, and advised him, for God's sake, not to turn out against them, and not to fight at  
all, but to stay at home and mind his business, and no harm would befall him, Embury, for  
if it should happen that he was taken prisoner he would do his utmost to have him re-  
rieved; but also stated, that those who did not fight against the Reformers would not  
be hurt in their persons or property, but those who would resist them would be harshly  
treated. And the said Philip Embury further maketh oath and saith, on Thursday, the  
13th instant, he was sincerely warned by his (Embury's) son-in-law, Benona Sweet, of the  
township of Madoc, in said district, who said that he, Benona Sweet, would not fight  
against his own country, the United States, but as all his wife's relations were Tories and  
Government people, he did not wish to fight against them, and wished to remove from  
Madoc, so that he would not be compelled to be in the scrape.

This deponent also saith that he has been further informed by one Thomas Wright, of  
Sidney, that he (Wright) had heard from some of the reformers that a rising was intended,  
as he supposed, on the 23rd of this month. This deponent further saith, that he has of  
late seen several of the leading characters of those who are known to be disaffected riding  
about the country in an unusual manner; as, Joseph Cavalry, Aaron Hearnis, Gideon  
Turner, Robert Bird, and others besides; and that deponent verily believes that some  
mischievous is intended towards the Government and Her Majesty's peaceable subjects.

(Signed) PHILIP EMBURY.

Sworn before me, at Frankford, Midland District, 17th June, 1839.

(Signed) W. BOWEN, J.P.

Certified a true copy.

(Signed) DE ROTTENBURG, Lt.-Col. & J.P.

(Copy.)

MY DEAR SIR,

Belleville, June 26th, 1839.

I ENCLOSE a printed circular, addressed to Bildad Franklin, Brighton, from J. Green-  
lief, brother of the man whose communication in cipher was lately forwarded by Major Parker  
to Mr. Berczy, Postmaster, Toronto.

Franklin is the man who was released last winter, having been arrested for treasonable  
practices.

I have no doubt that something more is intended than meets the eye, and we should be on  
our guard.

The Postmaster here gave this to me, but sent the others on.



No. 29.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.  
Encl. 9 in No. 29.

I cannot understand why I have not for the last eight days heard from Toronto. Your letter has never reached me, and I cannot but suspect something is not right.

I have, &c.

(Signed) DE ROTTEBURG.

The Hon. John Macaulay, Toronto.

LORD DURHAM.

AN adjourned meeting, for the purpose of taking into consideration Lord Durham's "Report," will be held at the Widow Brown's Inn, Haldimand, Four Corners, on the 1st day of July next, to commence at o'clock.

Enclosure 10 in No. 29.

SIR,

Government-House, Toronto, 25th June, 1839.

Encl. 10 in No. 29.

I HAVE the honour to acknowledge the receipt of your two letters of the 20th and 21st instant, addressed to Mr. Macaulay, in reference to the indications of disturbance in the townships connected with your military charge.

I have laid these letters and their several enclosures before the Lieutenant-governor, and I am directed to observe to you, that with the political character evinced by a considerable portion of the population of these townships, marked by occasional ebullitions of turbulence, it would not be unreasonable to consider the indications now described by your informants as evanescent, or that they could not, from the want of arms, be conducted to any alarming result. His Excellency, nevertheless, having the fullest confidence in your judgment and discretion, to meet any difficulties which may occur, has directed me to enjoin on you a continued vigilance, and the maintenance of the force within your reach in a constant state of readiness to act with efficiency for the preservation of order: and should any crisis overtake you for which such force would be unequal, you will immediately thereon communicate with Colonel Dundas at Kingston, and at the same time report promptly to his Excellency such measures as you may take.

I have, &c.

(Signed) S. B. HARRISON.

Lieutenant-Colonel Baron De Rottenburg, Belleville.

SIR,

Government-House, Toronto, 29th June, 1839.

IN the temporary absence of the private secretary from Toronto, I have received and laid before the Lieutenant-governor your communication of the 26th instant, addressed to Mr. Macaulay, and transmitting a printed notice of "An adjourned meeting for the purpose of taking into consideration Lord Durham's Report."

From Mr. Secretary Harrison's letter to you of the 25th instant, in answer to your letters of the 20th and 21st of the same month, you will be able to collect his Excellency's sentiments in regard to the prospect of political commotion in Belleville and its vicinity; and you will perceive that whilst his Excellency encourages a hope that the danger of the recurrence of an outbreak is much less than it is supposed by some persons to be, he is equally aware of the necessity for extreme vigilance on the part of the Government, and reposes implicit confidence in your discretion in adopting such precautionary measures as the circumstances of the case may seem to require.

To enable you to provide effectually for the preservation of public peace, his Excellency will authorize you to call out for a month's service another company of 100 men, if it shall appear to you very desirable to do so.

The accompanying copy of a letter from Mr. M'Mahon will apprise you of the apprehensions entertained by that gentleman for the safety of Brighton; and in reference to that part of Mr. M'Mahon's letter which relates to Presque Isle, I am to inform you that his Excellency has already directed the attention of Captain Sandom to that point, and requested his most particular attention to it.

The date of Mr. Harrison's letter will prove that it could not have reached you before the time when you last wrote, and thus any impression founded on the apprehension that your correspondence may have been intercepted will have been satisfactorily removed.

I have, &c.

(Signed)

R. A. TUCKER,

Provincial Secretary.

Lieutenant-Colonel the Baron De Rottenburg, Belleville.

(Copy.—Private.)

Enclosure 11 in No. 29.

CORRESPONDENCE WITH CAPTAIN SANDOM.

Her Majesty's Steam-vessel Traveller, near Gananoqui,  
25th June, 4 p.m., 1839.

(Extract.)

Encl. 11 in No. 29.

As reports circulate quickly and seldom lose in their transit, I avail myself of a few moments yet left to beg you will be good enough to mention to Sir George Arthur that some four or five men of Johnstone's party placed themselves on one of the small *American* islands, near a British island, where some of my men were stationed, and, on the night before last,

opened a fire with rifles upon them. The young officer in charge of my boat behaved with the greatest prudence and judgment, although he had much to do to restrain the ardour of his seamen, who were anxious to follow the miscreants into the American territory, whither they instantly fled in a small boat. I am on my way twenty miles farther down the river to examine further into the matter: it will turn out to be part of a vexatious system which these fellows are determined to pursue till some serious collision is produced. I trust, however, it will always redound to the credit, as in this instance, of the British forces employed.

Yours truly,  
(Signed) W. SANDOM.

Colonel Halkett.

No. 29.   
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.  
Encl. 11 in No. 29.

SIR,

Her Majesty's Ship Niagara,  
Kingston, 26th June, 1839.

I BEG to acquaint your Excellency that the circumstance partially communicated to Colonel Halkett yesterday, of some of the troublesome people who are permitted to roam about the Thousand Islands, having dared to fire, from one of the small American islands, upon a part of the British territory, where I had stationed a detachment of seamen for the purpose of preventing depredations upon British property, appears to have been one of those mischievous acts of these lawless people which might have produced fearful results, had not the prudence of the naval officer restrained his men from following them into the American territory: for the present nothing further results, but I shall take care to keep your Excellency acquainted with any movements of importance which may be made, as I feel assured they ought to be carefully watched, and knowing their names and persons, as my officers do, I trust it will be effectually done.

I have, &c.  
(Signed) WILLIAMS SANDOM,  
Captain Commanding on the Canadian Waters.

To his Excellency Sir George Arthur,  
Lieutenant-Governor of Upper Canada, &c. &c. &c.

Assistant Military Secretary's Office,  
Toronto, 29th June, 1839.

SIR,

I HAVE had the honour of laying before the Lieutenant-Governor your communications of the 25th and 26th instant, relating to the circumstance of four or five men of Johnson's party having fired from a small American island upon some of your men who were stationed upon a British island in the St. Lawrence, and I am directed to acquaint you that his Excellency fully concurs with you in commending the laudable forbearance exercised on that occasion by the young officer in charge of the British party.

As the American authorities, it may be hoped, will now exert themselves to apprehend Johnstone, it is desirable that, by prudence and forbearance, we should avoid any proceedings which may lead to collision or induce them to withdraw from a friendly co-operation.

The Lieutenant-Governor would cheerfully acquiesce in any course taken by you, upon a previous understanding with the senior officer of the United States' service, employed on the St. Lawrence.

I have, &c.  
(Signed) F. HALKETT.

Captain Sandom,  
&c. &c. &c.

No. 30.

(No. 150.)

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

MY LORD, Government House, Toronto, 1st July, 1839.

As there appears to be considerable and increasing excitement prevailing among the party in this province, who, styling themselves Reformers, include a considerable number of known Republicans, which may call forth the manifestation of hostile feeling on the part of those who differ from their views, I have thought it right in anticipation of the approaching anniversary of the Orangemen, to issue an earnest exhortation to them to endeavour to allay irritation, and to check, as much as possible, all strong expression of display of party feeling.

I have the honour to enclose a copy of this document, which, as your Lordship will perceive, is couched in the form of a circular letter addressed by me to the magistrates of the different districts throughout the province, and which has been transmitted to them through the respective clerks of the peace, accompanied with an injunction to the latter to make the substance of it generally known.

No. 30.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.



No. 30.  
Sir George Arthur  
to the Marquis of  
Normanby.  
1st July, 1839.

I have likewise caused the same document to be communicated to the mayor and corporation of the city of Toronto.

I have, &c.

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

(Circular.)

Enclosure in No. 30.

GENTLEMEN,

Government House, 24th June, 1839.

Encl. in No. 30.

ADVERTING to violations of the peace, which on several occasions last year were the consequence of certain public processions, on the 12th July, I consider myself called upon to express my views upon the subject.

I cannot but feel a very deep regret that any cause should be allowed to exist for the recurrence of annual scenes, which must necessarily have the effect of producing discord, and a feeling of ill-will amongst the different classes of Her Majesty's subjects.

In the present condition of this province, whether it be considered as regards the state of political feeling, or of religious sentiment, there is no one subject which requires greater attention from all truly loyal men than the cultivation of kindly feelings towards each other. It therefore becomes imperatively the duty of every one, whatever may be his station or means, to carry out such a principle of action, and to encourage and foster such feelings.

The short but eventful history of this province during the last eighteen months obviously shows that the great body of the people, without distinction of creed or party, were found remarkable for their fidelity to the government, and their firmness in subduing domestic, as well as foreign enemies. Each class, therefore, should entertain for the high and generous qualities of the others those sentiments of respect to which they must necessarily feel themselves entitled.

Strongly impressed with these views, I would affectionately yet earnestly entreat the members of the associations alluded to, to consider seriously the very mischievous tendency of the divisions by which they thus contribute to the agitation of the community, and to determine that they shall be no longer continued.

All persons must be aware that societies, similar in character, have been for some time past generally dissolved in the mother country. They originated in a peculiar state of things which has passed away. Their existence, in the altered circumstances of the country, having been found to be pregnant with many injurious effects on the public welfare, they were put an end to.

Considering the state of our circumstances, it seems hardly possible to conceive that any friend to the best interests of this province can wish to maintain here associations which are inapplicable to our social or religious condition, and which have been discountenanced by the highest authority in the country of their origin.

Whilst I am ever willing to recognize the good intentions of that class, by which these associations are cherished, I must appeal to their good sense and correct principles for a willing compliance with my request.

It surely is not too much, in times like the present, when, at any hour, every man may be required to go forth with his neighbour, in defence of his Queen and country, to call upon all to abstain from any proceedings calculated to revive past dissensions, or to rekindle animosities, which time and change of country should altogether extinguish.

For these reasons it is my desire that each of the magistrates in the district should, by every means within his power, endeavour to make known my earnest wishes in this respect, and my hope that by the mild measures of persuasion those processions may be discontinued, which have hitherto tended so greatly to provoke animosity and unkindly feeling.

I have, &c.

(Signed)

GEO. ARTHUR.

To the Magistrates of the District of

No. 31.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

Government-House, Toronto, 2nd July, 1839,

Half-past 11 P.M.

MY LORD,

IN my Despatch, No. 149, of yesterday's date, I conveyed to your Lordship the latest information respecting the state of affairs in this province. Up to the latest moment by which it may be possible to catch the "Liverpool," on her homeward voyage, I have delayed sending off my despatch-bag, in the hope of the arrival of the messenger with my Despatches, by that steamer, but I have been disappointed.

No. 31.  
Sir George Arthur  
to the Marquis of  
Normanby.  
2nd July, 1839.

The excitement in the country has increased. Some disaffected persons, calling themselves reformers, are showing unusual activity; but I cannot discover any sufficient cause for the panic which just now is felt more or less, in every part of the province.

The approaching 4th of July is looked to by the loyalists as though some invisible mischief were then to happen; but with every source of information open to me, I cannot think there is any thing to dread.

I have all along informed Her Majesty's government that it is absurd to think of Upper Canada as containing a whole community of loyalists. There is a considerable section of persons who are disloyal to the core; reform is on their lips, but separation is in their hearts. These people having, for the last two or three years, made a "responsible government" their watchword, are now extravagantly elated because the Earl of Durham has recommended that measure.

They regard it as an unerring means to get rid of all British connexion, while the Earl of Durham, on the contrary, has recommended it as a measure for cementing the existing bond of union with the mother country.

I know that the American people are as zealous as ever for the "Patriot cause," as it is called; but at this time, no movement is visible amongst them upon any extensive scale, and it seems to me impossible that enlarged operations could be going on without some symptom of them being visible.

An intimation from Mr. Derbshire, of which I have the honour to inclose an extract, of a coming storm, has this evening been communicated to me.

This gentleman came out with the Earl of Durham, and, I believe, has remained in the states for the purpose of collecting information. He also sounds the alarm, but as he does not open out the source of his information, all I can say is, that I cannot conceive it possible that such extensive mischief can be thus, as it were, at our very door, without some more manifest indication of hostilities.

Your Lordship may be assured that I will be watchful to detect danger, and prompt to meet it; but I must again, in sincerity say, that although there is a restlessness and an anxiety amongst all classes, I cannot discover any adequate cause for so much excitement as prevails.

I have, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

[Copy.]

Enclosure in No. 31.

SIR,

Toronto, 2d July, 1839.

I HAVE the honour to enclose for the information of his Excellency the Lieutenant-Governor, an extract from a letter I yesterday received from J. Derbshire, Esq., dated New York, 22d June, 1839.

Encl. in No. 31.

I have, &c.

(Signed)

ALLAN N. McNAB.

S. B. Harrison, Esq.,  
Secretary.

Extract of a Letter from J. DERBISHIRE, Esq., dated New York, 22d June, 1839.

[Copy.]

New York, June 22nd, 1839.

I HAVE written to Sir George Arthur to inform him that an intention is said here to exist of giving you all some trouble on the 4th July next. It is a grand day with the Yankees, who would think any enterprise in the cause of liberty, commenced upon the anniversary of their glorious declaration of independence, not only as destined to succeed by the blessing of Divine Providence (according to their cant), but as justifiable, even were it an enterprise to storm the gates of heaven itself, as Satan and his imps did in times of yore ere yet the world began. It is also a day upon which great licence prevails, and men go about with their arms for the purpose of celebrating the day by the noisy expositions of gunpowder, and upon which considerable bodies of armed conspirators might direct themselves, singly or in parties, upon given points of rendezvous without exciting the suspicion of the authorities, civil or military, supposing that such authorities would have the wish to interfere, or the courage to do so upon that day in particular commemorative of a great victory over British power, which I very much doubt. Of one thing I am certain, viz., that the "Patriot" party have been for



No. 31.  
Sir George Arthur  
to the Marquis of  
Normanby.  
2nd July, 1839.  
Encl. in No. 31.

some time actively engaged organising a new invasion and insurrection; and I see no reason why they should not think the 4th July as good a day for them as any other.

But independently of these circumstances of probability, my information is from one well acquainted with the secrets of the patriots here, and from whom last August and September I received intimation of the secret organization then in preparation, and who gave Lord Gosford information of the determination of the Lower Canadians to rebel.

I am bound, therefore, to attach some degree of credit to what he says, and to sound the alarm, even at the risk of proving, as I sincerely hope may be the case, a false one.

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No. 32.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 3rd July, 1839.

THIS morning I had the honour to receive your Lordship's despatch marked of the 12th ultimo, by the steamer "Liverpool," which reached New York on Sunday last, and is to start again from thence on the 6th instant.

Although the slightest possible period is thus allowed me for acknowledging the receipt of this despatch, and I have but a slight hope that this communication can possibly be in time for the "Liverpool," I am anxious to offer your Lordship my best thanks for the information you have communicated to me of the probable arrangements of Her Majesty's Government in relation to the Canadas; and to express my very great satisfaction at learning that the further progress of the bill which has been introduced into the House of Commons for the union of the two provinces will be deferred to another session of Parliament, in order to afford to the inhabitants of the Canadas an opportunity of giving expression to their sentiments on a measure so vitally important to them.

On the measure itself, I shall, I trust, be excused from offering as yet any decided opinion, as I have hardly had time to make myself acquainted even with its general outline; but I am sensible that the subject of it is one which presents many difficulties, and I accordingly rejoice to find that all the provisions of the contemplated bill are likely to undergo very deliberate consideration previously to its becoming a law.

Notwithstanding the hurried manner in which I am now compelled to address your Lordship, I must beg leave to observe that the delay which will occur in the final settlement of the great question of the future constitution of the government of these provinces, supplies an additional argument for an early attention on the part of your Lordship to the financial condition of Upper Canada, as extreme inconvenience must shortly be experienced in carrying on the ordinary operations of Government, unless the fostering hand of the mother-country be promptly extended in our support.

In my despatch No. 131, of the 8th ultimo, I have endeavoured to explain my views on this interesting matter very fully to your Lordship, and to point out as closely as I could the only means by which our financial embarrassments can be removed. To the suggestions contained in that despatch I must, therefore, respectfully and most earnestly refer your Lordship, as being calculated to relieve this province from the pressure of its present debt, without imposing any burden on the parent state.

I have, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

F. Despatch.  
8th June, No. 131.  
Vide Sir G. Arthur's  
Correspondence,  
"Financial."

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No. 33.

(No. 163.)

No. 33.  
Sir George Arthur  
to the Marquis of  
Normanby.  
27th July, 1839.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR to the  
Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 27th July, 1839.

I PROPOSE, in this despatch, to follow up the observations upon the state of the province, which are contained in my despatches to your Lordship of the 1st and 2nd instants.

Immediately after addressing the last of these communications to your Lordship, I received from Mr. Derbshire the letter, of which the accompanying enclosure is a copy, wherein he intimated considerable apprehension of further frontier troubles; and his statement was rather remarkably confirmed by Mr. ———, from the State of New York, of whose letter on the subject, which reached me about the same time, a copy is also herewith transmitted.

From various quarters less to be depended on, all kinds of warnings and intimations of approaching danger reached me; but so far from these anticipations being realized, we are now on the eve of closing the month of July—the 4th day of which was represented, in particular, to be replete with peril—without anything really serious having occurred in any part of the province.

There was a movement in the Midland district, which excited, for a few days, some degree of apprehension; but I sent two companies of the 93rd Regiment down there for a fortnight, and the excitement subsided without the necessity of calling out any more of the militia—a point which has been much pressed upon me by the local magistracy.

Meetings have been held in various parts of the province, in order to pass resolutions testifying approbation of the Earl of Durham's scheme of "responsible government;" but they have been conducted in an orderly manner, and ought not, perhaps, to have been interfered with; though, in two instances, some Irishmen, deeming them disloyal, dispersed the meetings with violence.

The "dominant church" and the "clergy reserves"—subjects that so long agitated the public mind—seem to have been wholly superseded by the question of "responsible government," which, in effect, appears to be in high vogue with parties of the most opposite feelings.

The leaders of the Orange party cherish it even more highly than the Reformers; but this cannot long endure—although it cannot be doubted that it will always be a popular measure with those who most desire change.

The meetings in favour of "responsible government" are still in progress, and it is, therefore, difficult to define, whilst this captivating and exciting cause is influencing all classes, the exact state of feeling in the country; but there are circumstances from which, in some respects, I draw favourable conclusions, whilst in regard to others I cannot say that the aspect of affairs is so encouraging.

Of the frontier I can speak with more decision; and although I would not venture to be confident that when the idle, dissolute citizens of the western country are thrown out of employ in the winter months, they may not prove troublesome, I nevertheless feel convinced that the support which they have hitherto received will be largely withdrawn.

Many Americans are ashamed of the part they have taken; others have no disposition to throw away more money in a bad speculation; and all, I am certain, have learned from experience, that the undertaking engaged in is far more difficult and hazardous than had been supposed.

There was, in fact, a mighty delusion in this respect, extending over all the States of Michigan, Ohio, Kentucky, New York, and Vermont, as well as in several districts of this province; and, deeply as I lament that so much misery has been inflicted on Her Majesty's Canadian subjects—that so many lives have been sacrificed, both in the field and on the scaffold—and that so much treasure has been expended—yet be assured, my Lord, Her Majesty's Government has great cause to be devoutly grateful to an overruling Providence that a national war has been so far averted; and there is far less reason now to apprehend that calamity than there has been for many months past.

Mr. Henry Clay is now at Buffalo on a political excursion, and reminding the people that the affair of the "Caroline" remains unatoned for. The President is also on the frontier, and so is General Scott: the latter I hope to meet in a few days on the western frontier, whither I am about to proceed on a tour of inspection.

It is my purpose to visit every district before the close of the season, and to avail myself of this interval of tranquillity to use all the means at my command to restore confidence in the country. In all probability it will not be in my power to address your Lordship by the next steamer.

I have, &c.

(Signed) GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

No. 33.  
Sir George Arthur  
to the Marquis of  
Normanby.  
27th July, 1839.

No. 1.  
No. 2



No. 33.  
Sir George Arthur  
to the Marquis of  
Normanby.  
27th July, 1839.  
Encl. 1 in No. 33.

(Copy.)

Enclosure 1 in No. 33.

Mr. DERBISHIRE to his Excellency Lieutenant-Governor Sir GEORGE ARTHUR.

SIR,

New York, June 22nd, 1839.

I HAVE lately heard from a person in this city, well acquainted with the designs of the brigand party, bent upon wresting the Canadas from British rule, that a new invasion is in preparation, and fixed for the 4th of July next; and although I doubt not you are well informed, and well prepared for the enemy, I have thought it my duty to make this communication, convinced that I shall have your forgiveness should the event happily prove that I have even sounded a false alarm.

I am not given to attach importance to the thousand-and-one rumours which wanton falsehood or credulity is prone to circulate upon matters of this kind; but my information comes from one who, in the months of August and September last, gave me distinct intimations of the secret organization on foot for the invasion of the Canadas, which were literally fulfilled by subsequent events in most of their particulars. I cannot, therefore, altogether disregard his warning in a case of so much importance.

Independently of the positive information given to me by this individual, I have, from various other circumstances, which have fallen within the scope of my observation and knowledge, arrived at the conclusion, for some weeks past, that the enemies of Canada are as active as ever they were, high in hope, and confident in their reliance upon *foreign aid* and funds. I did not certainly anticipate that the plot would develop itself in action at so early a period, and it was my intention to take care, before I left this for England, that all the information I could gain upon the subject should be communicated where it could best serve the interests of our country. Arms, I understand, have been transmitted pretty regularly from here to Rochester, and within the last week several noted "patriots" have left for the frontier—so far giving colour to the report of an approaching movement.

Speculations upon the course of future events are dangerous, I am aware, to the best established reputations. I cannot, however, help indulging in the expression of a belief that the 4th of July would be a likely day for the explosion of a plot against British power in the Canadas. The mere circumstance of an enterprise, in the name of liberty, commenced upon that day, would, I fear, draw after it the aspirations of many for its success, who would otherwise be disposed to condemn an act of so criminal and unjustifiable a nature. The people of this country have come to view that day, and all belonging to it, as holy. The faculties of thought and sentiment are under subjection to habit, which is said to have the force of a second nature over us, and I should much fear that any manifestation of the popular will in favour of what is termed the liberation of the Canadas, made upon that day, might subsequently be adopted as a national sentiment and an object of national solicitude. Even the most respectable people here—they who are most anxious to avoid a rupture with England, and who would most deeply feel the shame of a treacherous conduct towards an ally—are very seducible upon the subject of the Canadas.

The conspirators, I take it, are aware of these points in favour of a demonstration upon the 4th July, and may be swayed by such considerations in making it the appointed day of attack. The day has a magical power in the States: it is, besides, favourable to a perfidious attack, such as I suppose to be in contemplation. It is a day of general licence: the authorities cease to act, and would have no power of restraint if they did act. Men assemble in multitudes, and go armed upon that day; and I perceive that all along the frontier military celebrations are appointed to take place. One, in particular, by the Brady Guards at Detroit, for which 6000 dollars have been set apart, and at which a gathering of militia and volunteer corps, from all neighbouring parts, and even from Cleveland (Ohio), Buffalo, and Rochester, is expected, constituting a force of several thousand bayonets, probably, cannot fail to have attracted notice.

Should my anticipation of evil prove groundless, your Excellency will not impute to me, I trust, under the circumstances I have named, the character of an alarmist. Your Excellency is, no doubt, armed at all points; but with a foe as relentless, secret, and treacherous as the savage Indians, whose *vices* they inherit without their *virtues*, it is scarcely possible to carry vigilance too far; and twice already have we been taken by surprise in the Canadas.

I shall be a few weeks longer on this side the Atlantic, and shall be happy to attend to any suggestions your Excellency may deem fit to make to me, addressed to the care of Mr. Moore, packet-agent here, or of Mr. Buchanan, British consul here.

I have written to Sir John Colborne upon this subject, stating to him the name of my informant, with whose accurate foreknowledge of patriot movements his Excellency is already acquainted.

I have, &amp;c.

(Signed) S. DERBISHIRE.

P.S.—General Scott is at Oswego at present. He has lately been in Maine, where Mr. Forsyth is at present. I have heard that the "patriots" have some expectation that British regulars will join them, having been corrupted with gold and promises; but to this I cannot attach any credit.

S. D.

(Copy.)

Enclosure 2 in No. 33.

LETTER from ——— to ———.

SIR,

Haldimand, 7th July, 1839.

THE gentleman, to whom the letter which I have the honour to enclose is addressed, having requested me to peruse its contents, and if I deemed the intelligence therein conveyed of sufficient importance to transmit it to Toronto, for the inspection of his Excellency the Lieutenant-Governor, I consider it my duty to do so, more particularly, as he states, that the writer assured him personally that his information was derived from unquestionable authority. Mr. ——— returned last week from the city of New York, where the enclosed was delivered to him by Mr. ———.

The meeting, to which my last despatch referred, passed off very peaceably, in consequence of the prudence and forbearance of those who were opposed to its object. I was confined to my house by a severe inflammatory attack, but I have been most credibly assured that a great number of Lord Durham's approvers were armed with rifles, which were deposited in out-houses and other secret places near the place of meeting. I have the names of some who were thus armed. A similar meeting is to be held to-morrow at Coburg, but no breach of the peace is apprehended. I avail myself of this opportunity to acknowledge the receipt of your communication of the 29th of June, which reached me on Tuesday last.

I have, &c.

To ———,  
&c. &c. &c.

(Signed)

GEORGE MANNERS.

DEAR ———,

22nd June, 1839.

SINCE we parted this afternoon I have received information, which cannot at present be divulged, that another invasion of Upper Canada, from this side of the water, is in progress, and upon a most extensive scale, but so secretly conducted, that persons in the vicinity of where it is concocting are not aware of its existence; they are *this time* abundantly supplied with money and men. You may rely on this information being correct; it is got a moving thus early, in order to burst out before the fall elections, with the view of aiding the administration-party in carrying their ticket: the other party favour it also, in the hopes that interference, &c., on the part of this Government may oust Van Buren; so that you see both parties are well agreed on one point—that the Canadians shall be murdered and robbed, that by some chance or other it may politically affect the elections. So we go!!!

Yours, &c.

(No. 166.)

No. 34.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR to the Right Hon. the Marquess of NORMANBY.

MY LORD,

Government House, Toronto, 27th July, 1839.

WITH my despatch, No. 150, I had the honour to transmit, for your Lordship's perusal, copy of a circular letter which I had addressed to the magistrates, intimating my hope—"That, by the mild measures of persuasion, those Orange processions may be discontinued, which have hitherto tended so greatly to provoke animosity and unkindly feeling."

The Orange party being numerous in this province, and the members, in the main, loyal, constitutional men, I was aware it was a subject to be treated with much caution, and my letter to the magistrates was framed accordingly.

The appeal was not altogether without the desired effect, and I have been gratified to find that many individuals declined attending the processions.

But some members of the Orange Association have been greatly offended at this interference on the part of Government, and as your Lordship will perceive by the accompanying paper, the Provincial Grand Master especially, who is the editor and proprietor of the same newspaper, is highly indignant at my meddling with his craft.

Your Lordship will, I hope, be able to find time to read the article through, together with the proceedings of the Grand Orange Lodge of British North America, at their last annual meeting.

I would also beg leave to draw your Lordship's attention to the accompanying copies of a letter from Mr. Phillips, a magistrate in this district, tendering his resignation of that office, and of his commission in the militia, in consequence of the part he had been induced to take in the Orange procession which took place at Toronto on the 12th instant, and of the answer which I caused to be returned to that communication.

No. 33.  
Sir George Arthur  
to the Marquis of  
Normanby.  
27th July, 1839.  
Encl. 2 in No. 33.

No. 34.  
Sir George Arthur  
to the Marquis of  
Normanby.  
27th July, 1839.

No. 1 and 2.

No. 3 and 4.



No. 34.  
[Sir George Arthur  
to the Marquis of  
Normanby.  
27th July, 1839.]

In such an association there is, of course, great diversity of character and sentiment among its members; many, it cannot be doubted, are influenced by the very best motives; but I am convinced "the Orange Society, if continued, is likely to prove a source of the greatest mischief in Upper Canada."

Entertaining this view very strongly, I propose, steadily and resolutely, but calmly, to direct the attention of Government to the gradual suppression of this association.

Nothing can be done by the Legislature, as it would be impossible to get a Bill through the House of Assembly.

I trust, however, to do much by mild persuasion; but as it is one of the most important questions to be dealt with in my government, I shall be much obliged by any advice or suggestions with which your Lordship will honour me.

I have, &c.

(Signed) GEO. ARTHUR.

The Marquess of Normanby,  
&c. &c. &c.

Enclosure 1 in No. 34.

From the *Statesman*, Saturday 13th July, 1839.

#### ORANGEISM.

[Encl. 1 in No. 34.]

His Excellency Sir George Arthur has thought proper to publish "a letter of advice" to the Orangemen of Upper Canada, through the medium of the magistracy!!! Had his Excellency thought fit to confine his "mild measures of persuasion" to public processions on the 12th of July, it is not unlikely that the objectionable course taken by Sir George Arthur might have been passed over, and his "advice" generally, if not absolutely, attended to and enforced; but when his Excellency thinks proper to issue a demi-official mandate, not only calling in question the motives of upwards of 20,000 of as loyal, as brave, as intelligent, and as highminded Britons as there are in any portion of Her Majesty's dominions, but actually to state that it can hardly be possible that any friend to the best interests of the province can wish to maintain the association itself; we may express our feelings in return by stating, that we can hardly conceive it possible that any friend to the best interest of the province will now fail to rally beneath the Orange standard, and to convince Sir George Arthur, and, through his Excellency, the Most Noble the Marquis of Normanby, that there yet dwells too much of the pride and spirit of Britons in the hearts of the Orangemen of Upper Canada to submit to positive insult, more particularly where it is accompanied by meditated aggression. It is well known to our readers that for years we have not encouraged or countenanced public processions, and that, in fact, none have taken place here for the last four years. So much for what our own private feelings have been; what they may be hereafter time will tell.

But we blame not Sir George Arthur, he has his *instructions*—*he must* obey them, whether they are or are not illegal and impolitic; but we are free agents, and have a duty to perform—an ungracious one we admit, but nevertheless a duty, and as such it will be, with God's help, faithfully performed.

These are no times for talking, and we purposely abstain from commenting on the "letter of advice." We have good reasons for doing so—those we shall explain at other times, and in other places—they are not intended for the judges or crown officers, or the other members of the "compact," to whom Sir George refers for advice, and the days of whose reign are numbered; but for those who will treasure up in their heart of hearts this fresh and wanton insult, until the day of reckoning shall arrive when they will be called on either to sustain the ruling "compact," or to prostrate it in the dust.

Orangemen are only getting their eyes open in Upper Canada! They now look on facts with their own eyes, and not through the optics of others. They are, even now, casting off the political servility into which they were near been entrapped, and recurring back to the ancient principles of their institution—the principles of the glorious Revolution of 1688—the principles which animated the hearts and nerved the arms of the men of the north when they closed the gates of Derry, and took refuge in Enniskillen—the principles which actuated the men of Devon, when they flocked to Torbay to hail the immortal Prince of Orange—the principles which placed the present royal family on the throne, in opposition to the legitimate but tyrannical sovereign—the principles which established the liberty of the subject on the imperishable foundation of the will of the people—their constitutional capacity.

Orangemen are bound not only to obey, but to support also the civil and military powers in the just and lawful discharge of their official duties, when called on. This they will ever do, not alone, because they are bound to do so, but because their feelings, their principles, and every bent and inclination of their minds are in unison with its performance. But while they support the constitution, and the laws, they can afford to be liberal too, and the ungrateful *clique*, whom they have so long supported, may, ere long, discover that Orangemen can be liberal as well as loyal—that liberality is a game at which two can play; and that those political gamblers, who have so long hurled the ball to their own advantage, may yet find it to recede on themselves!

We forbear to pursue this subject—other times and places will present themselves. Upwards of 20,000 loyalists, of the male adult population of the country have been set at defiance, scorned at and frowned upon, while not half as many hundreds have been fawned upon, crasséd, and extolled! But let the ball roll on, the day of retribution is approaching; let us stand prepared.

“ Ye sons of the wise, let our spirits arise,  
And scorn the smiles of temptation;  
Be courageous and true to the orange and blue,  
And they'll bring you through all tribulation.”

Remember the words addressed by the immortal Prince of Orange to the gentlemen of Somerset and Dorset, who assembled to meet him at Exeter on the 15th of November, 1688. “ Our duty,” said the Prince, “ to God obliges us to protect the protestant religion, and our love to mankind—your liberties and properties. It is our principle and resolution rather to die in a good cause than live in a bad one; well knowing that virtue and true honour is its own reward, and the happiness of mankind our great and only design.”

After all, our brother Britons may ask us, what would you have us to do that liberty may be established for all, and our principles and privileges secured? We reply, what but unite yourselves in a covenant, not to be broken? Keep the strictest guard upon the treacherous actions of your determined and implacable enemies—treasure up in your “ heart of hearts,” not only the names of the unblushing compact who have heartlessly and openly betrayed you, but also the temporising and more noxious beings who have smiled while they destroy; who professed open approbation, the more securely to work with private detraction. A day must come when the House of Assembly will be compelled to appear before their constituents to give an account of their stewardship, let that day be a day of tribulation and anguish, of weeping and gnashing of teeth, to your unprincipled and ungrateful traducers; let the day of dissolution of parliament conclude the political existence of your enemies.

This is our advice, that you will treasure it up till the day of consummation may arrive, we know you too well to doubt.

We should like much if some of our contemporaries would inform us at what places “ violations of the peace were the consequence of certain public processions on several occasions last year.” Perhaps Sir George Arthur's advisers would find it difficult to name those “ several occasions,” although they put it prominently forward in his Excellency's letter.

\* \* Since writing the foregoing we have enjoyed the pleasures of another 12th of July, and certainly a more joyous day we never spent. The Orangemen of the township of Elizabeth-town (seven lodges) with two from Yonge, and one from Kitley, in all ten lodges, celebrated the day at New Dublin. We have heard the numbers assembled stated at 1500, and some persons even went so high as 2000; but these calculations included the whole multitude, and not the Orangemen alone, as there were only a few over 500 actual Orangemen on the ground. But they were attended by multitudes of all sexes and ages, from the children of four years old to the hoary headed veterans of four-score years.

We have only time to say, that we thought it almost impossible that so large a crowd of people could be assembled with so little noise and without some accident occurring. But we rejoice to say that there was not an angry look, an angry feeling, or an angry word seen or heard through the entire day. The appearance of liquor was not seen upon a man; joy and gratitude beamed in every countenance, and the multitude retired to their homes with as much propriety and solemnity as if they were going to the house of prayer on the Lord's day.

We have neither space nor time to state particulars. We cannot close, however, without expressing our sincere sorrow at the foolish, ill-advised, and most injudicious course of Sir George Arthur. He has roused a spirit which will not be easily allayed; and how mortifying to us to see thousands of the country's bravest and boldest defenders, who, but a short week before would have followed his Excellency with shouts of triumph and congratulation, on this day receive his name only with contumely! Write to the magistrates, forsooth! ask *them* to interfere. Wait, wait, Sir George, till you get the authority of a restraining law (such as the Marquess of Normanby got for Ireland), and then, indeed, you may promulgate your magisterial circulars.

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Enclosure 2 in No. 34.

LOYAL ORANGE INSTITUTION OF BRITISH NORTH AMERICA.

Proceedings of the Grand Orange Lodge of British North America, at its Annual Meeting, and election of Officers, held at Brockville, in Upper Canada, on Tuesday, 11th day of June, 1839.

The Right Worshipful the Grand Master in the Chair.

The Deputy Grand Secretary having taken a return of all members present with the offices held by them respectively, together with the names and offices of *visiting* brothers, all of whom were individually examined and vouched for; the opening prayer was then read, and a lecture repeated for the information of the brethren.

The following resolutions were then fully discussed, and unanimously adopted.

1. Resolved—That the 1st, 2nd, 3rd, 4th, 5th, and 6th resolutions, passed at a meeting

No. 34.  
Sir George Arthur  
to the Marquis of  
Normanby.

27th July, 1839.

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 Sir George Arthur  
 to the Marquis of  
 Normanby.  
 27th July, 1839.  
 Encl. 2 in No. 34.

of the Grand Lodge, held in the city Toronto, on the 16th, 17th, 18th, 19th, and 20th days of January, 1838, be adopted by this meeting, and that the particular attention of the brethren throughout the province be directed thereto.

2. Resolved—That as many communications have lately been made from various parts of the provinces for advice and direction in matters of moment, involving the tranquillity of the country and the stability of the Order, and as it is desirable that the Grand Lodge should combine, in one general view, the sentiments which it has hitherto laboured to inculcate, be it therefore resolved—that every Orangeman must at all times bear in remembrance the leading principle under which he was voluntarily enrolled—the principle of firm and unmixed loyalty to our Sovereign, and to the Constitution in Church and State—a loyalty not adapted for party purposes, nor moulded to the taste of “clique” or “compact” in the colony; a loyalty of neither sale nor barter for power or privilege—not to be offered as a bribe, nor withdrawn in menace—but a steady, unchanged, and unchangeable sentiment, founded on the principles of the Constitution, and deeply impressed on our hearts, by the many privations and sufferings which our illustrious ancestors have encountered in its cause. Keeping this great sentiment ever in view, the conduct of an Orangeman can never want a certain and unerring guide; and thus, a dignified obedience to the laws of the province, will ever extinguish Orangemen, and secure to them, in return, the support and protection of the laws.

3. Resolved—That we hold ourselves bound to our God, to our country, and to each other, to defend Her Majesty Queen Victoria, against all her enemies, whether internal or external; and that in case a foreign enemy should again invade this province (as is constantly expected), we pledge ourselves by our unalterable principles and sacred oaths, to aid and defend Her Majesty, and the province, as we have before done, by all the means within our power, and at the hazard of our lives.

4. Resolved—That whether it be owing to a preconcerted design, or be but the necessary result of the torrent of misrepresentation against our institution, which even our patient contempt does not appear to have wholly exhausted, not only have numerous attacks been directed against our principles, but in several recent instances, our most esteemed and respected brethren have been treated with personal discourtesy; their feelings and exertions rewarded with marked disrespect, and that, too, by persons so nearly connected with the Executive Government of the country, as to hazard the presumption that their imprudence and temerity was countenanced by the Government itself. Of the ingratitude and impolicy of such conduct, the Grand Lodge forbears to speak more particularly, leaving it to time, the operation of circumstances, and the force of truth, to apply the remedy. The Grand Lodge cannot, however, fail to impress upon their brethren, that although in the selection of his advisers, or in the distribution of his patronage, our Sovereign’s representatives may be (and no doubt is) deceived; still that to us, as Orangemen, it will be indifferent by whom the power of the country is exercised, so it be intrusted to safe hands, and is employed judiciously for the public welfare. Those governors, who eschewing family combinations and a political judiciary, are resolved to do justice to every British subject, without reference to his creed, or to his country, shall receive, not only our obedience, but our approbation and support; and if, unhappily, men of a different description be placed in office, they shall receive while in office, as men placed in authority by our Sovereign, the obedience which is due to those deputed by Her Majesty: and that although we may regret an imposition upon the representative of our Queen, still our loyalty will direct us to obey those to whom Her Majesty may intrust the execution of particular duties—under no circumstances can this loyalty be forgotten—no instances of official folly—no appearance of slight—no effusion of calumny—shall ever be allowed to effect this steady principle; but we will now, in the hour of our country’s necessity, prove ourselves unabated in our zeal, unaltered in our sentiments, and will come forward, one and all (as we have already done), the cheerful and voluntary defenders of that Constitution, to which we have pledged our fealty.

5. Resolved—That we have read in the public newspapers, with much satisfaction, the loyal declarations that have at various times been made by the very Reverend Bishop Macdonnell, and other leading members of the Roman Catholic Church: we have no doubt of the sincerity of such declarations. And although we regret to find some deluded persons of that persuasion joined the enemies of our country, and a few expatiated their treasons on the scaffold, still we entertain no doubt but that the Roman Catholics of Upper Canada, sensible of the great benefits they enjoy, will not suffer themselves to be made the dupes of wicked and designing men, for the most diabolical purposes, as their brethren were in the Lower Province; and we flatter ourselves that not only our own example, but the virtuous and loyal conduct of their venerable bishop will have the happiest effect, and be productive of the best results. We declare solemnly that we are not enemies to any body of people, on account of their religion, their faith, or their mode of worship. We consider every loyal subject our fellow-labourer, and he shall have our aid and protection.

6. Resolved—That the Grand Lodge cannot pass over in silence the noble conduct of their brethren, in almost every section of the province, during the late unnatural rebellion in 1837, and the subsequent foreign invasions in 1838 and 1839, particularly in the city of Toronto, where *three hundred and seventeen* members of the Order tendered their services and were sworn in by his Worship the Mayor, and by Aldermen Dixon, Monro, and Armstrong, on the night of Monday, and the morning of Tuesday, the 4th and 5th days of December, 1837; also of upwards of *four hundred* of their brethren in the county of Simcoe, who volunteered under the gallant Colonel Dewson; to the Newcastle brethren, commanded by Lieutenant-

Colonel Boulton, and by Captains Elliott and Clarke; to the men of York county, under Colonel Thompson, and Captains Magrath and Stewart; those of Haldimand, commanded by Captain Clarke; the men of the West, under Colonels Radcliff and Dunlop; and the brave heroes of Leeds, led by our gallant Grand Master in person, to the desperate and bloody attack at Prescott. That while the Grand Lodge is proud to notice instances of particular zeal, it is happy to believe that upwards of one-half of the entire number of volunteers who took up arms through the recent disturbances, and by whose bravery and undaunted spirit Upper Canada was preserved to the British Crown, were members of the Order; and that such devotion and zeal is pre-eminently entitled to the gratitude and thanks of the Grand Lodge, and to the imitation and example of the province at large.

7. Resolved,—That it appearing to the Grand Lodge that many persons of equivocal character, and some of them supposed to have been, till very lately, secretly in favour of the rebel cause, have had the audacity to offer themselves to some lodges as candidates for admission into our loyal body; it be most solemnly enjoined on the masters of all lodges, and the brethren in general, most particularly to scrutinize the character of every candidate for admission, and to be more than ordinarily vigilant that no traitor, or suspected traitor, may find an asylum in our loyal association.

8. Resolved,—That the errors into which the Right Hon. the Earl of Durham has fallen, in his Lordship's Report on the state of these provinces, so far as they relate to the numbers of the Roman Catholic population of Upper Canada, and to the alleged hostility of Orangemen; while they are subjects of regret to the Grand Lodge, yet they cannot at the same time prevent the members of this institution from expressing their assent to the general accuracy of his Lordship's statements, and their desire to see many of his suggestions carried into practical effect; particularly a thorough local responsibility upon all matters of domestic government, which great healing measure is so eminently calculated to restore peace to these distracted colonies, promote their future greatness and prosperity, and secure their "eternal connexion" with the parent state.

9. Resolved,—That the Grand Lodge has much pleasure in congratulating their brethren on the steady progress of the institution, both in numbers and respectability; and is happy to inform them that, within the last year, the lodges have increased from 240 to 254, and the members from 19,200 to 20,320, being an increase within the year of 14 lodges, 1120 members.

10. Resolved,—That the Grand Lodge sees no occasion to depart from the 4th Resolution, deliberately adopted at the last grand annual meeting, upon the subject of the removal of the Grand Lodge; more especially as it is now almost certain that a union of the provinces will speedily take place, and that it cannot yet be ascertained at what place the seat of Government will be permanently located.

11. Resolved,—That a select committee be appointed to select an agent to visit the several lodges of the society, and generally to promote the welfare of the institution; and that the following brethren compose said committee:—

Colonel Gowan, Mr. Hopkins, Captain Hill, Mr. Nulty, Mr. Dennison, Mr. M'Crum, Mr. Harris, Mr. Dack, Mr. M'Clean.

CGLE R. GOWAN, G.M., Chairman.

The Right Worshipful the Grand Master having left the chair, and Captain Hill, Grand Master of the County of Leeds, being called thereto, it was unanimously resolved—That the lasting thanks of the Orangemen of America be returned to Lieutenant-Colonel Gowan, M.P., for his untiring devotion, his numerous sacrifices, and his great abilities, in promoting the true and lasting interests of the Orange cause.—(Carried with three cheers.)

THOMAS HILL, G.M., County Leeds, Chairman.

Brockville, 11th June, 1839.

Enclosure 3 in No. 34.

COPY of a LETTER from Mr. PHILLIPS to His Excellency Lieutenant-Governor  
Sir GEORGE ARTHUR, K.C.H.

SIR,

Gore of Toronto, 11th July, 1839.

HAVING received a copy of your letter, dated the 24th June, addressed to the Mayor and Aldermen of the city of Toronto, to use his influence to prevent the Orangemen celebrating their public procession on the 12th July; also a similar letter addressed to the magistrates of the Home District, through the Clerk of the Peace, to use their influence to prevent the Orangemen to celebrate their public procession on the said 12th July.

Sir, I consider myself called upon, as a loyal British subject, to prevent, as far as it is in my power, any violation of the peace taking place on that day, or at any other time, which comes under my notice, which would have any tendency to infringe on the laws of this my adopted country; but, Sir, you will excuse me in differing in opinion with your Excellency on that subject, knowing the bad and lasting impression it will have on the minds of Her Majesty's loyal subjects, both here and in the country of their origin, to use any means to prohibit them in celebrating such a glorious and memorable event—a day that every loyal subject should celebrate; and, when other societies, similar in character,

No. 34.  
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are allowed to celebrate their public processions unnoticed, and without any molestation, we consider the Orangemen should be indulged with the same privilege.

If we are not, Sir, on these grounds, I herewith tender you my resignation as a Justice of the Peace, as well as Captain of the 7th Company of the West York Militia.

I remain, &c.

(Signed)

T. B. PHILLIPS.

His Excellency Major-General Sir GEORGE ARTHUR, K.C.H.,  
&c. &c. &c.

Enclosure 4 in No. 34.

COPY of a LETTER from Mr. HARRISON to T. B. PHILLIPS, Esq.

SIR,

Government House, 22nd July, 1839.

Encl. 4 in No. 34.

I HAVE the honour to acquaint you that I have laid before the Lieutenant-Governor your letter of the 11th instant, in which you tender your resignation of the Commission of the Peace, and your appointment as a captain of militia, on the ground of his Excellency's desire that the magistrates should, by every means within their power, endeavour to make known his earnest wishes and hopes that, by mild measures of persuasion, those processions may be discontinued, which have hitherto tended so greatly to produce animosity and unkindly feeling.

In accepting your resignation of these offices, his Excellency has directed me to intimate to you his sincere regret that, in a matter in which the utmost anxiety is felt to remove a continued source of discord between classes of Her Majesty's loyal subjects, who must, as such, esteem and regard each other, you should feel called upon to take a course so directly opposed to the views and wishes of the Imperial and Provincial Government, as to render your retirement from the public service of the country an act of conscientious necessity.

I have, &c.

(Signed)

S. B. HARRISON.

To T. B. PHILLIPS, Esq.,  
Gore of Toronto.

No. 35.

(No. 171.)

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 29th July, 1839.

No. 35.  
Sir George Arthur  
to the Marquis of  
Normanby.  
29th July, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, No. 76, of the 5th of this month, enclosing copies of the two Bills recently introduced into Parliament, on the subject of Canada.

The course intended to be pursued by Her Majesty's Government, in relation to the Bill for reuniting the provinces of Upper and Lower Canada, will afford ample time for a full expression of the public sentiment on this most important question; and I doubt not but that the state of the general feeling in this province will shortly be developed in a manner to lessen the difficulty of legislating upon it.

I have, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

No. 36.

(No. 172.)

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR,  
K.C.H., to the Marquis of NORMANBY.

No. 36.  
Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1839.

MY LORD,

Government House, Toronto, 29th July, 1839.

I HAVE the honour to inform your Lordship that I have again gone through the whole of the cases of the prisoners under sentence, and have

selected eleven more for a free pardon, under circumstances which, I feel satisfied, I can fully justify. This leaves 78 of the Prescott and Windsor brigands and four other convicts for transportation as soon as the "Buffalo" arrives, or is ready to receive them.

I have the honour herewith to transmit to your Lordship the following documents:—

1st. A certified list of all the convicts who are to be conveyed from Upper Canada to Van Diemen's Land.

2nd. Copies of two of the patents of pardon by which the capital sentences of the convicts were commuted to transportation for life. (One of these documents applies to the case of British subjects, and the other to that of aliens: similar patents have been prepared for the whole of the 78 brigands.)

3rd. Copy of the papers connected with the order for transportation of William Highland, tried and convicted before a Militia Court Martial for desertion.

4th. Copy of the Civil Secretary's letter to the Law Officers of the Crown, and of the answer of the Attorney-General thereto. (In accordance with the suggestion contained in this answer, I have caused an exemplification of the Provincial Statute, 1 Vic. c. 3, to be sent to the Governor of Van Diemen's Land.)

5th. Copy of the Provincial Secretary's letter to the Colonial Secretary of Van Diemen's Land, transmitting a list of the brigands, with particular observations on those cases which seem to present any grounds for a more favourable consideration.

6th. Copy of a warrant to the officer in command of the "Buffalo," to take charge of the convicts, and convey them to their destination.

I have caused these several instruments to be prepared by the law officers of the Crown in this province: great care and consideration have been used in their preparation, and I hope they will be found to be correct, and sufficient for the purpose intended.

As, however, the circumstances under which the proceeding has become necessary are new in this province, I thought it prudent to put your Lordship in full possession of all that has transpired on the subject as early as possible; so that if it should happen that, unfortunately, any error has crept into the proceedings, Her Majesty's Government may be in a situation to take immediate steps either to remedy it, or to prevent any ill consequences ensuing by a communication to the colony to which the prisoners are destined.

Upon the case of William Highland, who, it will be perceived, has been tried for desertion before a Militia General Court Martial, I am anxious to remark that there have been several cases of desertion from the regiments of incorporated militia, the men taking off with them their arms, accoutrements, and ammunition. It is of great importance that this disgraceful crime should be checked; and, as Highland's case is one of the worst, inasmuch as he left his post to desert, I have selected him for severe punishment, and trust the example may prove efficacious.

I have, &c.  
(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

No. 36.  
Sir George Arthur,  
to the Marquis of  
Normanby.  
19th July, 1839.

No. 1.

No. 2.  
No. 3.

No. 4.  
No. 5.

No. 6.  
No. 7.

No. 8.  
No. 9.

No. 10.



No. 36.  
Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1839.  
Encl. 1 in No. 36.

Enclosure 1 in No. 36.

PROVINCE OF UPPER CANADA.

RETURN of CONVICTS to be conveyed in Her Majesty's Ship BUFFALO, to VAN DIEMEN'S LAND, and to remain there during the period of TRANSPORTATION, inserted opposite to the name of each of them.

No.	Name of Convict.	Crime.	Date of Conviction.	Sentence.	Commuted Punishment.
1	Edwin Merrit . . . . .	murder .	1st October, 1838	death .	{transporta- tion for life.
2	Horace Cooley . . . . .	burglary	26th Sept. 1838 .	ditto .	
3	Aaron Dresser, jun. . . . .	{ Piratical invasion of Upper Canada.	3d December, 1838	{ Death.	{ Transportation for Life.
4	William Gates . . . . .		3d "		
5	George T. Brown . . . . .		6th "		
6	John Cronkhite . . . . .		10th "		
7	James Pierce . . . . .		10th "		
8	Hiram Sharp . . . . .		19th "		
9	Calvin Mathers . . . . .		26th "		
10	Daniel Liscum . . . . .		28th "		
11	Jerry Griggs . . . . .		28th "		
12	Moses A. Dutcher . . . . .		29th "		
13	Alson Owen . . . . .		17th "		
14	Daniel D. Henstis . . . . .		17th "		
15	David Allen . . . . .		19th "		
16	Stephen S. Wright . . . . .		22d "		
17	Nathan Whiting . . . . .		22d "		
18	Thomas Baker . . . . .		17th "		
19	John Gillman . . . . .		26th "		
20	Hiram Loop . . . . .		6th "		
21	Elon Fellowes . . . . .		6th "		
22	Orlan Blodgit . . . . .		6th "		
23	Reilly Whitney . . . . .		8th "		
24	John Thomas . . . . .		8th "		
25	Asa H. Richardson . . . . .		8th "		
26	Edward A. Wilson . . . . .		8th "		
27	Robert G. Collins . . . . .		8th "		
28	Thomas Stockton . . . . .		8th "		
29	David Howth . . . . .		10th "		
30	Michael Fraer . . . . .		10th "		
31	Emanuel Garrison . . . . .		10th "		
32	Leonard Delino . . . . .		10th "		
33	Henry Shew . . . . .		13th "		
34	Joseph Thompson . . . . .		13th "		
35	Jehiel H. Martin . . . . .		13th "		
36	Luther Darby . . . . .		13th "		
37	Joseph Stewart . . . . .		17th "		
38	Chauncey Bugbee . . . . .		17th "		
39	Andrew Leeper . . . . .		17th "		
40	John Berry . . . . .		17th "		
41	Orin W. Smith . . . . .		17th "		
42	Garret Hicks . . . . .		26th "		
43	John G. Swanberg . . . . .		22d "		
44	Solomon Reynolds . . . . .		19th "		
45	Samuel Washburn . . . . .		19th "		
46	Gideon Goodrich . . . . .		19th "		
47	Chauncey Mathers . . . . .		26th "		
48	Jacob Paddock . . . . .		22d "		
49	Beemis Woodbury . . . . .		22d "		
50	Asa Priest . . . . .		22d "		
51	Foster Martin . . . . .		26th "		
52	Ira Polly . . . . .		28th "		
53	Andrew Moore . . . . .		28th "		
54	Lysander Curtis . . . . .		28th "		
55	Nelson S. Griggs . . . . .		28th "		
56	William Reynolds . . . . .		28th "		
57	James Inglis . . . . .		11th "		
58	Hugh Calhoun . . . . .		11th "		
59	John Bradley . . . . .		27th "		
60	Patrick White . . . . .		27th "		
61	John Morrisette . . . . .		27th "		
62	Joseph Leforte . . . . .		27th "		

Enclosure 1 in No. 36—continued.

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No.	Name of Convict.	Crime.	Date of Conviction.	Sentence.	Commuted Punishment.
63	Samuel Snow . . . . .	Piratical invasion of Upper Canada.	28th Dec. 1838.	Death.	Transportation for Life.
64	Elizar Stevens . . . . .		28th "		
65	John S. Gutridge . . . . .		7th January, 1839.		
66	John Sprague . . . . .		28th Dec. 1838.		
67	Robert Marsh . . . . .		28th "		
68	Riley M. Stewart . . . . .		28th "		
69	Alvin B. Sweet . . . . .		28th "		
70	James P. Williams . . . . .		28th "		
71	William Nottage . . . . .		7th January, 1839.		
72	John Henry Simmons . . . . .		28th Dec. 1838.		
73	Elijah C. Woodman . . . . .		7th January, 1839.		
74	Chauncy Sheldon . . . . .		28th Dec. 1838.		
75	John C. Williams . . . . .		2d January, 1839.		
76	James M. Aitcheson . . . . .		7th "		
77	John B. Tyrrell . . . . .		3d "		
78	Henry V. Barnum . . . . .		28th Dec. 1838.		
79	James De Witt Fero . . . . .		7th January, 1839.		
80	Michael Morin . . . . .		28th Dec. 1838.		
81	William Highland . . . . .	{desertion, & taking arms.}	29th April, 1839 .	{transporta- tion for 14 years.}	sentence confirmed.
82	John M'Manigall . . . . .	murder .	22d May, 1839 .	death. .	{transporta- tion for Life.

I do hereby certify that the foregoing is a correct Return of the eighty two convicts, now about to be conveyed to Van Diemen's Land, in Her Majesty's ship Buffalo, and who are all subject to transportation, under the condition of the pardons respectively granted to them, or in virtue of the sentence of a court of competent jurisdiction.

In testimony whereof I have hereunto set my hand and affixed my seal, at the city of Toronto, in the province of Upper Canada, this 27th day of July, in the year of our Lord 1839, and in the third year of Her Majesty's reign.

By his Excellency's command,  
R. A. TUCKER,  
Provincial Secretary.

(Copy.) Enclosure 2 in No. 36.

LETTERS PATENT commuting the Sentence of Death passed upon certain persons (Subjects of Great Britain) by a Militia General Court-Martial for High Treason at Sandwich to transportation for Life to Van Dieman's Land.

GEO. ARTHUR.  
UPPER CANADA.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, &c. &c. &c.

To all to whom these Presents shall come Greeting :

WHEREAS by an Act passed by our Provincial Parliament of our province Upper Canada. on the twelfth day of January, in the first year of our reign, intituled "An Act to protect the Inhabitants of this Province against lawless aggressions from Subjects of Foreign Countries at peace with Her Majesty," it is among other things enacted, "that if any person, being a citizen or subject of any foreign state or country at peace with the United Kingdom of Great Britain and Ireland, having joined himself before or after the passing of this Act to any subject of our sovereign Lady the Queen, her heirs or successors, who are or hereafter may be traitorously in arms against Her Majesty, her heirs or successors, shall, after the passing of this Act, be or continue in arms against Her Majesty, her heirs or successors, within this province, or commit any act of hostility therein, then it shall and may be lawful for the Governor of this province to order the assembling of a militia general court-martial for the trial of such person agreeably to the militia laws of this province, and upon being found guilty by such court martial of offending against this Act, such person shall be sentenced by such court-martial to suffer death, or such other punishment as shall be awarded by the Court." And whereas, in and by the said Act it is further enacted, "That if any subject of Her Majesty, her heirs or successors,, shall within this province levy war against Her Majesty, her heirs or successors, in company with any of the citizens or subjects of any foreign state or

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country, then being at peace with the United Kingdom of Great Britain and Ireland, and offending against the provisions of this Act, then such subject of Her Majesty, her heirs or successors, shall be liable to be tried and punished by a militia general court-martial in like manner as any citizen or subject of a foreign state or country at peace with Her Majesty, her heirs or successors, is liable under this Act to be tried and punished." And whereas at a militia general court-martial duly convened according to the laws and statutes of our said province, and commenced and holden at the town of London, in the district of London of our said province, on Thursday the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the second year of our reign, for the trial of persons charged with offending against the provisions of the said hereinbefore in part recited Act, James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James De Witt Fero, and Michael Morin, were severally in due form of law arraigned and placed upon their trial before the said militia general court-martial upon the charge following, that is to say, that they, the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James De Witt Fero, and Michael Morin, being our subjects, on the third day of December, in the second year of our reign, and on divers other days between that day and the sixth day of the same month of December, at the township of Sandwich in the Western District and province of Upper Canada, in company with divers citizens of a foreign country then at peace with the United Kingdom of Great Britain and Ireland, that is to say, of the United States of America, unlawfully and wickedly did commit divers acts of hostility within the province of Upper Canada, that is to say, that they the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James De Witt Fero, and Michael Morin, together with the said citizens of the said United States of America, did then and there levy and make war on us, and did then and there, together with the citizens aforesaid, with guns, muskets, bayonets, and other warlike weapons, kill and slay divers of our loyal subjects, contrary to the form of the statute in such case made and provided; the said Militia General Court Martial having full power, authority and jurisdiction to hear and determine the said charge: and whereas the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James De Witt Fero, and Michael Morin and each of them, were in due course of law convicted and declared guilty by the said militia general court-martial of the said charge so as aforesaid preferred against them and each of them: And whereas the said militia general court-martial upon such conviction did then and there in due form of law sentence, order, and adjudge, that they the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James de Witt Fero, and Michael Morin, and each of them should suffer death by being severally hanged by the neck until they and each of them should be dead, at such time and place as our Lieutenant-Governor of our said province should direct and appoint for the crime whereof they and each of them had, in manner aforesaid, been convicted and adjudged guilty. And whereas the said finding and sentence of the said Militia General Court-Martial hath in due course of law and with our assent been confirmed and approved by our Lieutenant-Governor of our said province. And whereas by an act passed by our said provincial Parliament of our said province of Upper Canada, on the 4th day of March, in the seventh year of the reign of our late royal predecessor King William the Fourth, of glorious memory, it is enacted "that it shall and may be lawful for the Lieutenant-Governor of our said province to commute the sentence of death, which may be passed upon any person convicted of a capital crime, for transportation for life or term of years to such place in our dominions as may be assigned for the reception of convicts." And whereas our said Lieutenant-Governor of our said province hath thought fit to remit and hath remitted the said sentence and judgment of death, so, as aforesaid, passed upon the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James de Witt Fero, and Michael Morin, and to commute the same for transportation to our penal colony of Van Diemen's Land for the life of them and each of them, the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James de Witt Fero, and Michael Morin. And whereas we, having taken the said remission of the sentence and judgment of death passed, as aforesaid, upon them, the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James de Witt Fero, and Michael Morin, and the commutation of the said sentence and judgment of death to transportation for life to our said penal colony of Van Diemen's Land into our royal consideration, have thought fit to allow and confirm, and by these presents we do allow and confirm the same. And we do therefore, in the exercise of our royal clemency and mercy, order, direct, and command that the said sentence of death, so, as aforesaid, pronounced and adjudged against and upon them the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James de Witt Fero, and Michael Morin be remitted, and that the same be commuted for transportation for life to our penal colony of Van Diemen's Land. And in pursuance of such commutation of the said sentence that they, the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James de Witt Fero, and Michael Morin be transported to and remain transported to our said penal colony of Van Diemen's Land for and during the natural lives of them the said James Milne Aitcheson, John Burwell Tyrrell, Henry Verrelon Barnum, James de Witt Fero, and Michael Morin, and each of them.

In testimony whereof we have caused these our letters to be made patent, and the Great Seal of our said province to be hereunto affixed. Witness our trusty and well-beloved Sir George Arthur, K. C. H., Lieutenant-Governor of our said

province, and Major-General commanding our forces therein at Toronto, this twenty-third day of July, in the year of our Lord one thousand eight hundred and thirty-nine, and in the third year of our reign.

By Command of His Excellency in Council,  
R. A. TUCKER, Secretary.

G. A.

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Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1839.  
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I certify that the foregoing is truly copied from the original patent, as prepared in this office under the Great Seal of the province.

Office of the Secretary of the Province,  
Upper Canada, 27th July, 1839.  
R. A. TUCKER, Provincial Secretary.

Copy.]

Enclosure 3 in No. 36

LETTERS PATENT commuting the sentence of Death, passed upon certain Citizens of the United States by a Militia General Court-Martial, for feloniously invading the Province at Sandwich, to Transportation for Life to Van Diemen's Land.

GEO. ARTHUR.

UPPER CANADA.

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen,  
Defender of the Faith, &c. &c. &c.

To all to whom these presents shall come Greeting :

WHEREAS by an Act passed by our Provincial Parliament of our province of Upper Canada, on the twelfth day of January, in the first year of our reign, entitled "An Act to protect the inhabitants of this province against lawless aggressions from subjects of foreign countries at peace with Her Majesty," it is among other things enacted, "that if any person, being a citizen or subject of any foreign state or country at peace with the United Kingdom of Great Britain and Ireland, having joined himself before or after the passing of this Act to any subjects of our Sovereign Lady the Queen, her heirs or successors, who are or hereafter may be traitorously in arms against Her Majesty, her heirs or successors, shall, after the passing of this Act, be, or continue in arms against Her Majesty, her heirs or successors, within this province, or commit any act of hostility therein, then it shall and may be lawful for the governor of this province to order the assembling of a militia general court-martial, for the trial of such person agreeably to the militia laws of this province, and upon being found guilty by such court-martial of offending against this act, such person shall be sentenced by such court-martial to suffer death, or such other punishment as shall be awarded by the court." And Whereas, at a militia general court-martial, duly convened according to the laws and statutes of our said province, and commenced and holden at the town of London, in the district of London of our said province, on Thursday, the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and in the second year of our reign, for the trial of persons charged with offending against the provisions of the said hereinabove in part recited Act, Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peters Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncy Sheldon, and John Chester Williams, were severally in due form of law arraigned and placed upon their trial before the said militia general court-martial, upon the charge following; that is to say, that they the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncy Sheldon, and John Chester Williams, on the third day of December, and on divers other days between that day and the sixth day of December, in the second year of our reign, with force and arms at the township of Sandwich, in the western district, and province of Upper Canada, being citizens of a Foreign State at peace with the United Kingdom of Great Britain and Ireland, that is to say, of the United States of America, having joined themselves to divers of our subjects, who were then and there unlawfully and traitorously in arms against us, the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burrows Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams, with our said subjects so unlawfully and traitorously in arms as aforesaid, did then and there feloniously levy and make war against us; and did then and there, armed with guns, bayonets, and other warlike weapons, feloniously kill and slay divers of our loyal subjects, contrary to the form of the statute in such case made and provided, and against our peace, our crown, and dignity; the said militia general court-martial having full power, authority, and jurisdiction to hear and determine the said charge; And whereas, the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncy Sheldon, and John Chester Williams, and each of them, were

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in due course of law, convicted and declared guilty by the said militia general court-martial of the said charge so as aforesaid preferred against them and each of them: And whereas the said militia general court martial, upon such conviction, did then and there in due form of law, sentence, order, and adjudge that they the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams, and each of them should suffer death, by being severally hanged by the neck until they and each of them should be dead, at such time and place as our Lieutenant-Governor of our said province should direct and appoint, for the crime whereof they and each of them had in manner aforesaid been convicted and adjudged guilty: And whereas the said finding and sentence of the said militia general court martial hath in due course of law, and with our assent been confirmed and approved by our Lieutenant-Governor of our said province. And whereas by an Act passed by our Provincial Parliament of our said province of Upper Canada, on the fourth day of March, in the seventh year of the reign of our late royal predecessor King William the Fourth, of glorious memory, it is enacted, "that it shall and may be lawful for the Lieutenant-Governor of our said province to commute the sentence of death which may be passed upon any person convicted of a capital crime, for transportation for life, or term of years, to such place in our dominions as may be assigned for the reception of convicts." And whereas our said Lieutenant-Governor hath thought fit to remit, and hath remitted, the said sentence and judgment of death, so as aforesaid passed upon the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams, and to commute the same for transportation to our penal colony of Van Dieman's Land, for the life of them and each of them the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams. And whereas, we having taken the said remission of the sentence and judgment of death passed as aforesaid upon them, the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams, and the commutation of the same sentence and judgment of death to transportation for life, to our said penal colony of Van Dieman's Land, into our royal consideration, have thought fit to allow and confirm, and by these presents we do allow and confirm the same, and we do therefore, in the exercise of our royal clemency and mercy, order, direct, and command that the said sentence of death so as aforesaid pronounced and adjudged against and upon them the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams, be remitted, and that the same be commuted for transportation for life, to our penal colony of Van Dieman's Land; and in pursuance of such commutation of the said sentence, that they the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams, be transported, and remain transported, to our penal colony of Van Dieman's Land, for and during the natural lives of them the said Samuel Snow, Elizar Stevens, John Seymour Gutridge, John Sprague, Robert Marsh, Riley Monson Stewart, Alvin Burroughs Sweet, James Peter Williams, William Nottage, John Henry Simmons, Elijah Croker Woodman, Chauncey Sheldon, and John Chester Williams, and each of them.

In testimony whereof we have caused these our letters to be made patent, and the great seal of our said province to be hereunto affixed. Witness our trusty and well-beloved Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of our said province, and Major-General commanding our forces therein at Toronto, this twenty-third day of July, in the year of our Lord, one thousand eight hundred and thirty-nine, and in the third year of our reign.

By command of his Excellency in Council,  
 R. A. Tucker, Secretary.  
 G. ARTHUR.

I certify that the foregoing is truly copied from the original patent, as prepared in this office, under the great seal of the province.

Office of the Secretary of the Province,  
 Upper Canada, 27th July, 1839.  
 R. A. TUCKER, Pro. Sec.

Copy.

Enclosure 4 in No. 36.

Letter to Mr. Justice Jones.

SIR,

Toronto, 27th July, 1839.

Encl. 4 in No. 36

WHEREAS William Highland, a private in the third battalion of the incorporated militia of this province, (the said battalion being embodied for actual service,) was, by and at a

militia general court-martial held at Niagara, in the district of Niagara and province aforesaid, on the 29th day of April, in the year of our Lord 1839, duly convicted of deserting his post when sentry at Mississagua fort on the night of the 29th day of March in the same year, and of taking with him his arms, accoutrements, and ammunition. And whereas the said Court did adjudge the said William Highland to be transported as a felon for the term of fourteen years, and which sentence of the said court-martial her Majesty intends should be carried into execution. I am therefore, by the Queen's commands, to notify you the said sentence, together with her Majesty's pleasure that the same be carried into execution, and that the said offender be transported as a felon for the said term of fourteen years to the colony of Van Diemen's land, that colony having been duly appointed as the place to which any offender convicted in this province, and under sentence of transportation, shall be sent or transported. Which notification is hereby made to the intent that you may make such order for the transportation of the said William Highland as is by law required, and to you may seem necessary.

I have, &c.

(Signed)

GEORGE ARTHUR.

The Hon. Mr. Justice Jones.

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Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1839.  
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Copy.

Enclosure 5 in No. 36.

Province of Upper } Whereas in and by an Act of the Parliament of the province of Up-  
Canada, } per Canada, passed in the first year of the reign of her Majesty Queen  
Victoria, intituled "an Act to amend and reduce into one Act the

Militia Laws of this Province," it is among other things enacted, "That during the time any portion of the militia of this province shall be embodied for actual service under and by virtue of this Act, they and every of them, as well officers as privates, shall be liable and subject to all the rules, regulations, pains and penalties of any act or acts of the British Parliament that are or may be in force for the punishment of mutiny, desertion, or other crimes, in the army of her Majesty the Queen, her heirs or successors: provided, nevertheless, that no officer, non-commissioned officer, or private militia man, shall be sentenced to the loss of life unless for desertion to the enemy, traitorous correspondence, or for traitorously delivering up to the enemy any garrison, fortress, post or guard, or vessel, either armed or employed in the service of government, anything herein contained, or any statute, law, or usage to the contrary notwithstanding: provided also, that no officer, non-commissioned officer, or private of militia, shall be liable to the punishment of being flogged by the sentence of any court-martial."

Encl. 5 in No. 36.

And whereas in and by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of her said Majesty, intituled "an Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters," it is among other things enacted, "that whenever any sentence of transportation, heretofore or hereafter passed by any court-martial holden in the East Indies, or in any part of her Majesty's foreign dominions, is to be carried into execution, or when sentence of death has been or shall as aforesaid be commuted to transportation, the same shall be notified by the officer commanding in chief her Majesty's forces at the presidency or station, or in his absence by the adjutant-general for the time being, to some judge of one of the supreme courts of judicature in the East Indies, or chief justice or some other judge, as the case may be, in any part of her Majesty's foreign dominions, who shall make order for the transportation or intermediate custody of such offender, in like manner as for the transportation or intermediate custody of any other convict, and the necessary proceedings shall be taken according to such order for the transportation or intermediate custody of such offender."

And whereas William Highland, a private in the third battalion of the incorporated militia of this province, the said battalion being embodied for actual service, at a Militia General Court Martial held at Niagara, in the district of Niagara and province aforesaid, on the twenty-ninth day of April, in the year of our Lord one thousand eight hundred and thirty-nine, was duly convicted of deserting his post when sentry at Mississagua Fort, on the night of the twenty-ninth day of March in the same year, and of taking with him his arms, accoutrements, and ammunition, and was thereupon sentenced by the said Militia General Court Martial, to be transported as a felon for and during the term of fourteen years, and a notification in writing of the aforesaid conviction and sentence of transportation, together with Her Majesty's pleasure upon the same, as also that the colony of Van Dieman's Land has been duly appointed as the place to which any offender convicted in this province and under sentence of transportation, shall be sent or transported, hath by His Excellency, Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the province of Upper Canada and Major-General Commanding-in-Chief Her Majesty's regular and militia forces within the said province, been made known to me the Honourable Jonas Jones, one of the judges of Her Majesty's Court of Queen's Bench within this province, pursuant to the direction in the said secondly-recited Act contained.

It is, therefore, hereby ordered by me the said Jonas Jones, one of the justices as aforesaid, that the said William Highland be transported for the term of fourteen years to the colony of Van Dieman's Land; and that he the said William Highland be sent down as soon as conveniently may be to Lower Canada, to be there kept and detained in intermediate custody until he shall thence be transported to the colony of Van Dieman's Land, or shall be otherwise discharged in due course of law.

Given under my hand and seal at the City of Toronto, in the province of Upper Canada, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and thirty-nine and in the third year of Her Majesty's reign.

(Signed) JONAS JONES, J.



No. 36.  
Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1839.  
Encl. 5 in No. 36.

By His Excellency Sir GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

To all to whom these presents shall come—Greeting :

These are to certify, that Jonas Jones, Esq., whose name is subscribed to the foregoing instrument is a judge of the Court of Queen's Bench, duly appointed in and for the province of Upper Canada, and that full faith and credence are due and ought to be given to his signature and acts, in that capacity, in all places.

Given under my hand and office seal, at Toronto, in Upper Canada, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and thirty-nine, and of Her Majesty's reign the third.

By His Excellency's Command  
(Signed) S. B. HARRISON.

(Signed) GEO. ARTHUR.

(Copy.)

Enclosure 6 in No. 36.

SIR,

Government House, Toronto, July 28th, 1839.

Encl. 6 in No. 36.

THE Lieutenant-Governor has had under his consideration the patents and several documents prepared by you for the transportation of the convicts about to proceed to Australia.

I am desired by His Excellency to inquire whether you feel quite confident that those documents are all that are necessary to be used on this occasion.

His Excellency observes that, in the case of W. Highland, you have followed the course of proceeding prescribed by the Mutiny Act, and he would therefore suggest whether a compliance with the same Act may not be equally necessary in the case of all the convicts who were tried and sentenced by Militia Courts Martial.

It has also occurred to the Lieutenant-Governor, that, although it may not be necessary in the cases of those brigands whose sentence has been commuted into transportation to follow the rule prescribed by the Mutiny Act, yet that it may be desirable that an exemplification of the Provincial Acts, under which the Militia Courts Martial were constituted, should be transmitted to the public authorities at Van Diemen's Land.

These, of course, are submitted as suggestions, merely for your consideration, and as the subject is one of considerable importance, and, from its novelty, not perhaps altogether free from difficulty, His Excellency would wish that you should immediately communicate upon it with the Solicitor-General.

The departure of His Excellency at an early hour to-morrow morning renders an immediate attention necessary,

I have, &c.

(Signed) S. B. HARRISON.

The Attorney-General,  
&c. &c. &c.

(Copy.)

Enclosure 7 in No. 36.

LETTER from C. A. HAGERMAN, Esq., to S. B. HARRISON, Esq.

Attorney-General's Office,

Toronto, 28th July, 1839.

SIR,

Encl. 7 in No. 36.

WITH reference to your letter of this day's date on the subject of the several documents prepared by me relating to the transportation of the convicts about to proceed to Australia, I have the honour to state that, having conferred with Mr. Justice Macaulay and the Solicitor-General, it was, in their opinion, unnecessary to prepare certificates from a judge of the trial of the brigands before the Court Martial at Kingston, as is required under the Mutiny Act, and the reason assigned is, that the brigands were not tried for any offence against the Mutiny Act, but for a crime punishable before a tribunal specially created for that purpose.

The several provincial Acts, under which the proceedings against the prisoners have been tried and convicted, are referred to, and in part recited, in the patents commuting their punishment to transportation; but, for greater caution, I will request the Secretary of the Province to prepare an exemplification of the Provincial Statute 1 Vic. cap. 3, which may accompany the other documents to be transmitted to Van Diemen's Land.

I have, &c.

(Signed) C. A. HAGERMAN, A.G.

S. B. Harrison, Esq.,  
&c. &c. &c.

P.S. I understand it to be his Excellency's intention to send an official notification of the order for the transportation of the prisoners to the Governor of Van Diemen's Land.

(Signed) C. A. H.

(Copy.)

Enclosure 8 in No. 36.

LETTER from R. A. TUCKER, Esq., to the Colonial Secretary of Van Diemen's Land.

SIR,

Government House, Toronto, 29th July, 1839.

By the direction of the Lieutenant-Governor of this Province, I have the honour to enclose you the list of eighty-two convicts who are to be conveyed in Her Majesty's ship "Buffalo" from Quebec to Van Diemen's Land; there to remain under sentence of transportation for offences committed by them in Upper Canada.

The seventy-eight names first mentioned in this list are descriptive of individuals who have been tried and convicted before *Militia General Courts Martial* for attempting to invade this country. They were all sentenced to death, and have had that sentence commuted to transportation for life.

No. 79, William Highland, was also convicted by a *Militia General Court Martial*, but his crime was desertion, and his sentence transportation for the term of fourteen years only.

The remaining three were convicted before the *Civil Courts* of capital crimes, and have had the capital punishment respectively pronounced upon them, commuted to transportation for life.

At the suggestion of his Excellency Sir George Arthur, I have noticed, in the columns of remarks, such circumstances attending any of these cases as appeared to me to form some extenuation of the guilt of the parties: and I trust that those observations may tend to procure for them such a measure of indulgence as the circumstances in which they are placed may reasonably warrant.

I am induced to add that, with the exception of one individual, Jacob Paddock, who was excluded, in consideration of his general bad conduct, from the benefit of a free pardon, which would otherwise have been extended to him on the ground of his extreme youth, I am not aware that the great political offence of which the brigands have been guilty has been aggravated by any other act of moral turpitude.

I have, &amp;c.

(Signed)

R. A. TUCKER, Provincial Secretary.

To the Colonial Secretary, Van Diemen's Land.

No. 36.  
Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1835.  
Encl. 8 in No. 36.

Enclosure 9, in No. 36.

[COPY.]—LIST of EIGHTY-TWO CONVICTS to be embarked on Board Her Majesty's Ship "Buffalo," to be conveyed from the Province of UPPER CANADA to the COLONY of VAN DIEMEN'S LAND. Encl. 9 in No. 36.

No.	Name.	Age.	REMARKS.
A 1	David Allen . .	37	Of the 78 brigands included in this list, the cases of 17 appeared to the Executive Council, upon a careful investigation of various circumstances connected with them, as exhibiting somewhat stronger grounds for the extension of indulgence than presented themselves in the other cases. I shall, accordingly, consider those 17 as forming a distinct class, and shall prefix the letter A to the names of each of them as a general designation of that class; taking care to add, with reference to particular individuals, such observations as seem to be peculiarly applicable to them.
A 2	Thomas Baker . .	47	
A 3	George T. Brown .	22	
A 4	John Cronkhite .	30	
A 5	Aaron Dresser, jun.	22	
A 6	Moses A. Dutcher .	23	
A 7	William Gates . .	23	
A 8	John Gillman . .	38	
A 9	Jerry Griggs . .	22	
A 10	Daniel D. Heustis .	27	
A 11	Daniel Liscum . .	22	
A 12	Calvin Mathers .	24	A 2. <i>Thomas Baker</i> .—This man is acknowledged to be a drunkard; and it is alleged that, without any previous connexion with the pseudo-patriots, he was tempted, whilst in a state of intoxication, to join in the expedition against Prescott.
A 13	James Pierce . .	22	
A 14	Hiram Sharp . .	24	A 5. <i>Aaron Dresser</i> , jun.—Several most respectable inhabitants of Kingston presented a petition in his favour. His father bears a good character, and his deep anxiety for his son, evidenced by his frequent and urgent solicitations in his behalf, rendered this case so particularly interesting, that a free pardon would probably have been granted Dresser, if there had not been strong reason for believing that he acted a prominent part among the brigands, and was designed to bear an officer's commission among them.
A 15	Nathan Whiting .	48	
A 16	Stephen S. Wright .	25	
17	John Berry . .	40	
18	Orlan Blodget . .	23	
19	John Bradley . .	30	
20	Chauncey Bugbee .	22	
21	Hugh Calhoun . .	25	
22	Robert G. Collins .	34	
23	Lysander Curtis .	33	
24	Luther Darby . .	48	A 7. <i>William Gates</i> .—Strong certificates of general good character, numerous signed, have been presented in his favour.
25	Leonard Delino .	25	
26	Elon Fellowes . .	22	A 9. <i>Jerry Griggs</i> .—A touching application in behalf of him, and his brother, Nelson J. Griggs, backed by a recommendation from several persons, was received from the aged and bereaved parents.
27	Michael Fraer . .	23	
28	Emanuel Garrison .	22	A 10. <i>Daniel D. Heustis</i> .—This man's station in society appears to have been rather above that of the generality of the brigands, and the applications in his favour have accordingly been from persons of higher influence; but his standing in his country has been considered as furnishing an argument
29	Gideon Goodrich .	43	
30	Nelson S. Griggs .	28	
31	Garret Hicks . .	27	
32	David Howth . .	24	
33	James Inglis . .	30	
34	Andrew Leeper . .	42	
35	Joseph Leforte . .	29	
36	Hiram Loop . .	26	



Enclosure 9 in No. 36—*continued*.

No. 36.  
Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1839.  
Encl. 9 in No. 36.

No.	Name.	Age.	REMARKS.
37	Jehiel H. Martin .	31	against, rather than in favour of, the grant of a free pardon
38	Foster Martin . .	32	which has been solicited for him in many quarters.
39	Chauncey Mathers .	24	25. <i>Leonard Delino</i> .—An order for the execution of this
40	John Morrisette .	22	person was actually issued, and his case was, of course, at one
41	Andrew Moore . .	26	time considered as one of the <i>worst</i> ; but his conduct during
42	Alson Owen . . .	24	his confinement has been exemplary, and the Rev. Mr. Cart-
43	Jacob Paddock . .	17	wright, who has been most zealous in endeavouring to convey
44	Ira Polly . . . .	23	religious impressions to the minds of the brigands, conceives
45	Asa Priest . . . .	42	that his efforts have been particularly successful in the case
46	Solomon Reynolds .	33	of Delino, and has interceded very strongly for him.
47	William Reynolds .	23	27. <i>Michael Fraer</i> .—Such strong recommendations of
48	Asa H. Richardson	23	this man have been received, that he seems to be hardly, if at
49	Henry Show . . .	23	all, less entitled to indulgence than those included in the class
50	Owen W. Smith . .	26	of 17.
51	Joseph Stewart . .	25	43. <i>Jacob Paddock</i> .—The very bad conduct of this indivi-
52	Thomas Stockton .	29	dual prevented him from participating in the free pardon
53	John G. Swanberg .	27	which was granted to all the other youths.
54	John Thomas . . .	26	50. <i>Owen W. Smith</i> .—Strongly recommended by several
55	Joseph Thompson .	22	respectable individuals.
56	Samuel Washburn .	25	51. <i>Joseph Stewart</i> .—Ditto.
57	Patrick White . .	22	52. <i>Thomas Stockton</i> .—Ditto.
58	Reilly Whitney . .	25	54. <i>John Thomas</i> .—Ditto; and his conduct during his con-
59	Edward A. Wilson .	23	finement very favourably spoken of both by the sheriff and
60	Beemis Woodbury .	25	Mr. Cartwright.
A 61	John C. Williams .	..	58. <i>Reilly Whitney</i> .—A petition in his behalf, numerously
62	James M. Aitcheson	..	signed, has been received, and there is a strong certificate of
63	Henry V. Barnum .	22	his good conduct during the period of his incarceration.
64	James Delbitt Fero	..	
65	John S. Gutridge .	..	
66	Robert Marsh . . .	26	The following 18 brigands were captured at Windsor,
67	Michael Morin . .	31	in the Western District :—
68	William Nottage . .	..	
69	Chauncey Sheldon .	52	A 61. <i>John C. Williams</i> is the only one of the Windsor
70	John H. Simmons .	23	brigands included in the list of 17; and he owes his station
71	Samuel Snow . . .	38	in that list entirely to the consideration which was felt for his
72	John Sprague . . .	28	brother, who is a very respectable inhabitant of this province.
73	Elizar Stevens . .	..	71. <i>Samuel Snow</i> .—Strongly recommended.
74	Riley M. Stewart .	31	73. <i>Elizar Stevens</i> .—Seven ministers of the gospel in the
75	Alvin B. Sweet . .	22	United States have recommended this man, as having borne
76	John B. Tyrrell . .	..	a good character.
77	James P. Williams .	24	75. <i>Alvin B. Sweet</i> .—The recommendations of this man
78	Elijah C. Woodman	..	are strong, and from respectable quarters.
79	William Highland .	..	76. <i>John B. Tyrrell</i> .—The merits of Mr. Burwell, the
80	Edwin Merrit . . .	..	uncle of this man, may perhaps justify the extension of an
81	Horace Cooley . .	..	indulgence to him, which he otherwise is not entitled to
82	John M'Manigall .	..	claim.

(Signed)

R. A. TUCKER, Sec.

Office of the Provincial Secretary of Upper Canada,  
27th July, 1839.

(Copy.)

Enclosure 10 in No. 36.

PROVINCE of UPPER CANADA.

WARRANT to COMMANDER of H. M. ship "BUFFALO," to take charge of certain convicts for  
Van Diemen's Land.

Encl. 10 in No. 36.

By His Excellency Sir George Arthur, K.C.H., Lieutenant-Governor of the Province  
of Upper Canada, and Major General, commanding Her Majesty's Forces therein, &c. &c.

To the Captain or commander of her Majesty's ship "Buffalo," and to the superintendent  
of convicts on board the said ship, and to any or either of them.—*Greeting*.

Whereas it hath been communicated to me, by her Majesty's Principal Secretary of State  
for the Colonies, that you, or some of you, have been appointed to receive on board the said  
ship "Buffalo" all convicts who may be under sentence of transportation from this colony to  
Australia, and to convey such convicts to the place or places to which they may have been  
sentenced to be transported in Australia: And whereas, David Allen, Thomas Baker,  
George J. Brown, John Cronkhite, Aaron Dresser, the younger, Moses A. Dutcher, William  
Gates, John Gillman, Jerry Greggs, Daniel D Heustis, Daniel Liscum, Calvin Mathers,  
James Pierce, Hiram Sharp, Nathan Whiting, Stephen S. Wright, John Berry, Orlan  
Blodged, John Bradley, Chauncey Bugbee, Hugh Calhoun, Robert G. Collins, Lysander  
Curtis, Luther Darly, Leonard Delino, Elon Fellowes, Michael Fraer, Emanuel Garrison,

Gideon Goodrich, Nelson S. Greggs, Garret Hicks, David Howth, James Inglis, Andrew Leeper, Joseph Laforte, Hiram Loop, Jehiel H. Martin, Foster Martin, Chauncey Matthers John Morrisette, Andrew Moore, Alson Owen, Jacob Paddock, Ira Polly, Asa Priest, Solomon Reynolds, William Reynolds, Asa H. Richardson, Henry Shew, Orin W. Smith, Joseph Stewart, Thomas Stockton, John G. Swanberg, John Thomas, Joseph Thompson, Samuel Washburn, Patrick White, Reilly Witney, Edward A. Wilson, Beemis Woodbury, John C. Williams, James M. Aitcheson, Henry V. Barnum, James De Witt Fero, John S. Gutridge, Robert Marsh, Michael Morin, William Nottage, Chauncey Sheldon, John H. Simmons, Tamuel Snow, John Sprague, Elizar Stevens, Riley M. Stewart, Alvin B. Sweet, John B. Tyrrell, James P. Williams, Elijah C. Woodman, Edwin Merrit, Horace Cooley, John Mc Mángall, and William Highland, have, and each of them have been convicted of certain crimes, by them committed, and upon such conviction have, by due course of law been sentenced and ordered for transportation to her Majesty's Penal Colony of Van Dieman's Land, as by the several patents, records, and certificates, relating to the said several convicts, and herewith transmitted and delivered to you, will more fully and at large appear, reference being thereto had.

Now these Presents are to authorize, charge, and command you, the captain or commander of her Majesty's ship "Buffalo," and the superintendent or other person appointed to take charge of convicts on board the said ship, to receive: and you, and each of you, are hereby authorised, charged, and commanded, to receive on board the said ship the said several convicts, whose names are hereinbefore enumerated and written down, and that you, and each of you, do safely keep and detain the bodies of the said convicts, and that you and each of you do convey them, and each, and all of them, the said convicts, to her Majesty's said Penal Colony of Van Dieman's Land, in pursuance of their several sentences, as aforesaid; and that you, the said captain or commander of the said ship "Buffalo," and the superintendent or other person appointed to take charge of convicts on board the said ship, or some of you, do, on the arrival of you, or any or either of you, on board the said ship "Buffalo" at the said penal colony of Van Dieman's Land, forthwith deliver into the charge and custody of the governor, or person administering the government of the said penal colony, or to such other person as may there be lawfully appointed to receive the same, the bodies of the said several convicts, together with the several patents, records, and certificates, setting forth and relating to the convictions and sentences, of the said several convicts: to the end that the governor, or person administering the government of the said penal colony, or such person, as by law, may for that purpose be duly appointed, may receive and detain the aforesaid convicts in the said penal colony of Van Dieman's Land, in pursuance of, and according to the terms and conditions, sentences and judgments, specified and set forth in the said patents, records, and certificates, relating to the said convicts.

In Testimony whereof, I have hereunto set my hand, and affixed my seal of office, at the City of Toronto, in the province of Upper-Canada, this 27th day of July, 1839, and in the third year of her Majesty's reign.

(Signed) GEO. ARTHUR,  
Lieutenant-Governor.

By his Excellency's command,  
(Signed) R. A. TUCKER,  
Provincial Secretary.

(No. 174.)

No. 37.

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

MY LORD, Government House, Toronto, 21st August, 1839.

IN the "Evening Mail," London newspaper, of the 5th ult., I find, under the head of "Parliamentary Intelligence," the report of a speech of Mr. C. Buller, in which, among other strictures upon my dispatch No. 107, of the 13th of May last, that gentleman is reported to have expressed himself to the following effect:—

"I have no hesitation in saying that the assertions on which Sir George Arthur has built his complaints were untrue. Not that I charge Sir George Arthur with stating any thing which he knew to be untrue, but that he had not taken sufficient caution, and that he should not have put forth those statements without being first well assured of their accuracy. With respect, for instance, to those two unfortunate men whose case was made a subject of comment; all that the Report of Lord Durham did was simply to mention the fact. Sir George Arthur asserted that Lord Durham had over-rated the number of signatures to the petitions in their favour at 30,000, and affirmed that it was only 5000; and in order to show how perfectly accurate he was, he gave a list of the signatures. But a gentleman had called on me, and stated to me that he alone had presented a petition to Sir George Arthur to which were attached more signatures than he had acknowledged."

No. 36.  
Sir George Arthur  
to the Marquis of  
Normanby.  
19th July, 1839.  
Encl. 10 in No. 36.

No. 37.  
Sir George Arthur  
to the Marquis of  
Normanby  
21st August, 1839.

For Despatch  
No. 107.

Vide Correspondence  
relative to the Affairs  
of Canada, ordered to  
be printed, June, 1839,  
p. 31.



No. 37.  
Sir George Arthur  
to the Marquis of  
Normanby.  
21st August, 1839.

Your Lordship will readily believe that it is not my intention to enter upon a controversy with Mr. Buller on this subject; but you will at the same time feel that I must naturally be anxious to offer some observations to Her Majesty's Government on assertions which, if they do not impugn my veracity, at least accuse me of very culpable negligence and inaccuracy.

In support of this charge, Mr. Buller, I perceive, refers to the testimony of a gentleman who had informed him that he had presented a petition to me, to which were attached more signatures than I had acknowledged.

From many circumstances I am led to conclude that the individual here alluded to must be a Mr. James Durand, the brother of a man who was convicted of treason, and pardoned by me; as that person did, in conjunction with a Mr. John Paterson, present to me an address from the inhabitants of West Flamborough, to which 4850 signatures were attached, I have hardly a doubt that he is the person to whom Mr. Buller refers.

No. 1.

Upon that supposition it will not be difficult to point out the fallacy of the argument upon which the accuracy of my statement has been assailed; for it will be found that the petition to which Mr. Durand adverts was a *congratulatory address* presented to me soon after my arrival in this province, containing a *general* recommendation "on behalf of all the unhappy prisoners now under sentence of condemnation for high treason," and not a *particular* application in favour of Lount and Matthews, to which alone I adverted in my despatch of the 13th of May last.

The mistake of classing the address presented by Messrs. Durand and Paterson, with the petitions for a *particular extension of mercy to Lount and Matthews* I had myself, as I have already explained to your Lordship, inadvertently fallen into; and hence arose the discrepancy between the numbers stated in two of my despatches, viz: No. 4, of the 14th of April, 1838, and No. 107, of the 13th of May, 1839; the former including the signatures to the congratulatory address from West Flamborough, and the latter being strictly and exclusively confined to the petitioners in favour of Lount and Matthews.

No. 2.

As the only means, therefore, at present in my power, of refuting the statement of Mr. Buller, and establishing the correctness of my own, I have now the honour to transmit to your Lordship a return, *verified on oath*, from the clerk of the Executive Council, detailing the number of petitions presented in favour of Lount and Matthews—the places in which they respectively originated, and the number of signatures attached to each of them.

The perusal of this document will, I trust, thoroughly convince your Lordship that I had ample foundation for the assertions contained in my despatch No. 107, of the 13th of May last: and here I might accordingly be content to let this matter rest, if no other considerations were involved in it than such as apply to myself *individually*; but it seems to me a matter of some public import, in relation to my character as Lieutenant-Governor of this province, that the question of fact upon which I am at issue with Mr. Buller, should undergo a rigid examination; and I therefore propose, on the next meeting of the Provincial Parliament, to draw the attention of the legislature to this question, with a view to the appointment of a committee to investigate and ascertain the exact number of petitions presented to the Executive Government praying for a pardon to Lount and Matthews.

I have, &c.

(Signed) GEO. ARTHUR.

The Marquess of Normanby,  
&c. &c. &c.

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Enclosure 1 in No. 37.

Encl. 1 in No. 37. ADDRESS of 4850 of the inhabitants of West Flamborough, and the adjacent townships, to His Excellency the Lieutenant-Governor; and the Governor's reply thereto. The address was presented by James Durand, and John Paterson, Esqrs.

To His Excellency Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of the province of Upper Canada, Major-General commanding Her Majesty's forces therein, &c. &c. May it please your Excellency,

We, the inhabitants of West Flamborough, and the adjacent townships, in the Gore district, beg to congratulate your Excellency on your safe landing on this continent, and

to hail your arrival in this province as the representative of our most gracious sovereign the Queen.

And in thus approaching your Excellency, with this sincere expression of our congratulations, we beg, with intense, yet most respectful earnestness, to appeal to the just and dignified exercise of your Excellency's matured and comprehensive judgment, no less than to your humane feelings, on behalf of all the unhappy prisoners now under sentence of condemnation for high treason.

We are led to believe that thus extending the royal mercy would be generally satisfactory to the country.

No. 37.  
Sir George Arthur  
to the Marquis of  
Normanby.  
21st August, 1839.  
Encl. 1 in No. 37.

Enclosure 2 in No. 37.

LIST of petitions presented in favour of Lount and Matthews, as also the headings to the same, and the number of persons who signed them.

Isaac Webb, and 3289 others, praying that a pardon may be extended to Samuel Lount, a prisoner in the Home district gaol, under sentence of death for the crime of high treason	3290	Encl. 2 in No. 37.
Ann Henderson and 787 others, to the same purpose, in favour of the same	788	
Jacob Gill and 74 others, to the same purpose, in favour of the same	75	
James M'Kay and 66 others, to the same effect in favour of the same	67	
John B. Warren and 156 others, inhabitants of the county of York, in the Home district, to the same purpose, in favour of Peter Mathews	157	
Samuel Bentley and 196 others, to the same purpose, in favour of the said Peter Mathews	197	
William Roe and 23 others, to the same purpose, in favour of Samuel Lount	24	
Total number of signers	4598	

William Henry Lee, of the city of Toronto, in the Home District, Esquire, senior and confidential clerk to the Executive Council for the province of Upper Canada, maketh oath and saith, that the foregoing list contains the whole number of petitions in favour of Lount and Mathews, which have come into his possession, and that the list is in all respects a just and true statement of the number of signatures thereto. He also saith, that the said petitions were respectively read in Council on the 9th of April, 1838.

WM. H. LEE.

Sworn before me at Toronto, this twenty-first day of August, 1839.

J. G. CHEWOTS, J. P., Home District.

(No. 176.)

No. 38.

EXTRACT of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquess of NORMANBY.

Government House, Toronto, 21st August, 1839.

IN my despatch, No. 163, of the 27th July, I endeavoured to give your Lordship an account of the state of the province.

I referred to the communications I had received, and to the rumours which had been abroad, respecting approaching danger. I also informed your Lordship that whilst the meetings upon the question of "responsible government," as advocated by the Earl of Durham, were in progress, it was not easy to define the exact state of feeling in the country. Of the more tranquil state of the frontier I spoke with greater confidence, and informed your Lordship that, availing myself of a quiet period to leave Toronto, I was about to proceed on a tour of inspection through all the districts.

It gives me concern to state, that events have not justified my conclusions; and, having been obliged to return to Toronto sooner than I had intended, I have it in my power to give your Lordship a hasty sketch of the occurrences of the last three weeks, and hope this despatch may reach New York before the departure of the steamer—"Liverpool," the arrival of which vessel has not yet been announced.

No. 38.  
Sir George Arthur  
to the Marquis of  
Normanby.  
21st August, 1839.



No. 38.  
Sir George Arthur  
to the Marquis of  
Normanby.  
21st August, 1839.

The first unpleasantness was a serious fray between a party of about 200 French Canadians, employed in the lumber trade, on the river Trent, in the Newcastle district, and some Irish labourers.

The magistrates, unable to quell the riot, called for the assistance of a company of the militia force. These fired upon the rioters (as it seems to me, unnecessarily), but happily no one was either killed or wounded.

I do not consider this quarrel to have originated in political differences, although it terminated by the French Canadians shouting "Papineau for ever!" coupled with some angry disloyal expressions.

On the 28th July a small party of brigands crossed from Oswego to Coburg, on Lake Ontario, in the American schooner "Guernsey," headed by Lett, the murderer of Captain Usher, and, on landing, were received and harboured in the house of Mr. Ash and his son, two respectable yeomen in good circumstances, residing near Coburg.

The direct object of this gang was to murder two or three respectable persons, and then to rob the bank; but this was, as it would seem, only part of their main political object of harassing and injuring the loyal, and keeping alive excitement,

Amongst the few persons who joined these villains was a "patriot" named "Moon," who had evidently been previously in political connexion with at least some of the party; but, when he had ascertained how truly diabolical their object was, he formed the resolution to disclose the scheme of the conspirators to the magistrates, and a plan was consequently laid for their apprehension. But it was badly executed. Lett and some others made their escape, and four only of these ruffians were taken.

They are to be put on their trial before a Militia General Court-martial on Monday next, under the Provincial Act, 1st Vict., ch. 3.

"Moon" deeply implicates by name a great number of persons in this province, and especially in the Newcastle and Midland districts, as being parties to a plot to rise, whilst a body of ruffians again invade the province from the States. He declares that the patriot cause is in as great activity as ever; that the "Durham Meetings" originated with the patriots, and that more serious and better organized schemes of invasion and insurrection are in progress, than have yet taken place.

The disclosures of this man to the magistrates have created an excitement amongst the loyalists at Coburg, which surpasses all description. Moon has been examined and re-examined by the law officers of the Crown, and before the president of the Executive Council, at great length. His statements are consistent, and remain unshaken; and those officers credit all that he represents as coming actually within his own knowledge.

I have just had an interview with him myself, and am under the impression that he has been deeply enough implicated in treason with all the disaffected, although he appears to have been appalled at adding premeditated murder to that crime.

He fully corroborates all that is described in Mr. Derbshire's letter, and is supported by other statements from Rochester; but I cannot avoid thinking, that although a very shrewd and artful man, he has been overreached himself. To engage him the more heartily in their cause, the "Patriot Executive Government," no doubt, represented their numbers to be greater, and their resources more powerful than they are.

I no longer doubt that some wicked schemes are again—perhaps they have never been discontinued—in progress, both in the States, and in this province—and, possibly, all the persons "Moon" names, are secret partisans—at the same time I cannot believe that the combination is so extensive, as to occasion any immediate serious alarm. The trial of the prisoners will, possibly, bring more to light.

On the Niagara frontier, about a fortnight ago, an American soldier fired across the river twice, at a small detachment stationed at Queenston. The second shot was returned by our sentry. An explanation followed, and the officer in charge of the American troops sent a very proper apology, with an assurance that the offender was drunk, and would be brought before a court-martial.

An affair of a more serious nature has again occurred on the River St. Lawrence.

On the 4th instant the American steamer "St. Lawrence" passed by Brockville, where her Majesty's schooner "Montreal" was then at anchor.

Commander Fowell states, that not knowing the vessel, he hailed her to show her colours, and on her failing to do so, he caused a musket to be fired, but

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intended it should be with blank-cartridge : the musket however was loaded with ball. Whether the second musket fired was loaded with ball or blank-cartridge, does not appear.

There was doubtless a want of courtesy on the part of the American steamer, as it is usual to display colours on such occasions ; and, of course, the Commander of an armed vessel ought to be satisfied that any other vessel approaching him, whilst at anchor off a British port, had no hostile intention ; but, on reading the correspondence, I cannot say that I discover any necessity for the course pursued by Commander Fowell, and if it were not absolutely necessary, it certainly was highly imprudent.

My letter to Captain Sandom will show your Lordship the view I take of the matter ; and, with every desire to avoid interfering unduly with the Naval branch of the service, I must say, that all my endeavours to avoid collision may be frustrated if the utmost attention be not paid to my wish, that points of mere ceremony, or courtesy, should not be pushed to an extreme in these waters.

No. 1.

The correspondence that has passed on this subject is enclosed, by which your Lordship will perceive that Colonel Worth has taken up the affair very seriously, and, apparently, with little recollection of the use which has been made of American vessels in the repeated attacks upon this province.

Nos. 2 to 10.

Far more to be lamented than any of the circumstances to which I have referred, are the effects of Lord Durham's Report.

The bait of " Responsible government " has been eagerly taken, and its poison is working most mischievously.

It was M'Kenzie's schemes for getting rid of what Mr. Hume called the " baneful domination of the mother country ; " and never was any better devised to bring about such an end speedily.

That measure recommended by such high authority is the worst evil that has yet befallen Upper Canada.

\* \* \* \* \*

There has been rather a larger meeting at Hamilton than at other places, to advocate " responsible government." One copy of the resolutions passed has been sent to me, which requires some notice, and I intend to avail myself of the opportunity of dispassionately placing before the public the opinion I entertain that " responsible government " cannot exist in any province—separation must follow, as a necessary and inevitable consequence.

No. 11.  
No. 12.

Enclosure 1 in 38.

COPY of a LETTER from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to Captain W. SANDOM, R.N.

SIR,

Government-House, Toronto, 21st August, 1839.

I HAVE the honour to acknowledge the receipt of your letters, communicating a correspondence which had passed between yourself and Colonel Worth, in relation to the conduct pursued by Commander Fowell, in causing a musket-shot or shots to be fired ahead of the American steam-boat " St. Lawrence," with a view to compel that vessel to show her colours, after she had disregarded the demand made on her to do so.

Encl. 1 in No. 38.

If it can be distinctly shown that it is obligatory, as you appear to consider, upon all vessels to show their colours under such circumstances ; if there were strong grounds for suspecting the " St. Lawrence " steamer, either from her appearance, or from her being out of her usual track, of having hostile intentions ; or, if a due regard to the safety of Her Majesty's schooner " Montreal," on the near approach of a vessel under such circumstances, rendered the measure adopted essential to security, I should consider that in either case Commander Fowell would be fully justified in requiring the unknown vessel to display her colours.

But I cannot say that a perusal of the statements before me induces a conviction that there existed in effect any necessity for such a proceeding in the present instance ; and considering the grounds on which we are understood to employ armed vessels on these waters, and the difficulty of precisely defining at the moment the exact line which separates the British from the American waters, there should be, I think, the greatest for-



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Encl. 1 in No. 38.

bearance in exacting and endeavouring to enforce compliance with any acts of mere courtesy or compliment.

It is scarcely necessary for me to add, that the mistake of firing ball, instead of blank cartridge, is a very serious one, and is an occurrence, I must confess, which I should not have expected.

To Captain W. SANDOM, R.N.,  
&c. &c. &c.

I have, &c.

(Signed)

GEORGE ARTHUR.

(Copy.)

Enclosure 2 in No. 38.

Sir GEORGE ARTHUR to Mr. Fox.

SIR,

Government House, Toronto, 21st August, 1839.

Encl. 2 in No. 38.

I have the honour to transmit to your Excellency the accompanying copy of a correspondence which has passed between Captain Sandom, R.N., and Colonel Worth of the United States army, relative to some musket-shots that were lately fired a-head of the American steamboat "St. Lawrence" by her Majesty's schooner "Montreal," commanded by Commander Fowell, to cause the former vessel to heave to, after she had failed to comply with a demand made on her to show her colours when in the immediate vicinity of the British shore near Brockville, and of her Majesty's armed vessel.

By the enclosed copy of my letter to Captain Sandom your Excellency will perceive that I am not well satisfied, from the explanations afforded, that there existed any necessity for firing in this instance; at the same time, considering the outrages that have been committed along our frontier by ruffians conveyed in American vessels, strong grounds may be advanced for the exercise of unusual circumspection; and no good reason, perhaps, can be assigned for the want of courtesy that was shown by the captain of the steamer; while, further, Captain Sandom is probably right in his conclusion, that all vessels are bound to show their colours on approaching so near to any port as the "St. Lawrence" approached to that of Brockville.

Your Excellency will perceive by Colonel Worth's letter, that it is proposed by that officer to place guards of the United States troops on board the American steam-boats navigating the St. Lawrence, in consequence of a belief entertained by him that their presence is requisite to preserve the vessels from injury from the British side.

However unnecessary such a step may be as a means to the end contemplated, it should obviously have the certain good effect of saving the vessels so guarded from being forcibly taken possession of by lawless individuals from the American shore, for the purpose of employing them as heretofore in the furtherance of piratical incursions on the British territory.

I have, &c.

His Excellency Henry S. Fox,  
&c. &c. &c.

GEORGE ARTHUR.

Enclosure 3 in No. 38.

SIR,

Kingston, 10th August, 1839.

Encl. 3 in No. 38.

I HAVE the honour herewith to enclose copies of a correspondence which has taken place between Colonel Worth and myself, with reference to the Commander of one of Her Majesty's vessels having called upon a steam-vessel of the United States to display her colours.

I avail myself of this opportunity to suggest, for your Excellency's consideration, the propriety of collectors of customs, and others, whose duty it may be to enforce navigation laws on vessels obtaining their clearance from the Custom-House, that they should be provided with the colours necessary to show the nation to which they belong.

In this respect, as well as not having proper documents on board to show the honesty of their occupations, the vessels navigating these waters, are lamentably deficient; were it otherwise, and strictly acted upon by the authorities on the United States side, as well as in Canada, I venture to believe the evils, now so frequently experienced by improper persons landing upon our shores, might be very much curtailed.

I have the honour to be, &c.

(Signed)

W. SANDOM, Captain R.N., commanding  
H. M. Naval Forcés in Canada.

His Excellency Major-General Sir George Arthur, K. C. H.  
Lieutenant-Governor, &c. &c. &c.

(Copy.)

Enclosure 4 in No. 38.

From Colonel WORTH to Captain SANDOM.

Head-Quarters, Northern Depôt,  
United States, America, Sackett's Harbour,  
August 5th, 1839.

No. 38  
Sir George Arthur  
to the Marquis of  
Normanby.  
21st August, 1839.

SIR,

I HAVE the honour to submit to your examination the enclosed copy of a Report received from the United States Deputy Marshall, stationed at Ogdensburgh. The details of this transaction are confirmed by other sources. I desire to be informed whether this act, regarded as a flagrant outrage committed from the deck of Her Majesty's armed schooner, "Montreal," has the sanction of your authority.

Encl. 4 in No. 38.

The Major-General, commanding the Eastern Division of the United States, being present, the Report referred to has been laid before him, as also this communication.

Captain Hill, Quarter-Master, Depôt, U. S. A., who will have the honour to deliver this, is instructed to await your reply.

I have the honour to be, &c. &c.

(Signed) W. J. WORTH, Colonel.  
Commanding.

Captain Sandom, R. N. Commanding  
Naval Forces, Canada.

Enclosure 5 in No. 38.

DEAR SIR,

Ogdensburgh, 4th August, 1839.

WHEN the steamer "St. Lawrence" was passing Brockville this afternoon, between four and five *p. m.*, on her way to this place, she was fired upon from an armed vessel laying off in the stream, being first hailed and requested to shew her colours, or heave-to, disregarding the orders, they were fired upon the second time; they were musket-shots. They then, on board the armed vessel, made preparations to man and load a cannon, but the "St. Lawrence" by this time was passed out of reach.

Encl. 5 in No. 38.

I have the honour to be, &c.

(Official.) (Signed) W. MELHINCH.  
(Signed) W. BAMFORD, 1st Lieut. 8th Infantry, A. A. Adj.-Gen.

Colonel Worth, Commanding U. S. Army,  
Sackett's Harbour.

(Copy.)

Enclosure 6 in No. 38.

SIR,

Kingston, 5th August, 1839.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, together with its enclosure,—the copy of a Report received from the Deputy Marshal stationed at Ogdensburg, stating that the steamer St. Lawrence had been fired upon from the deck of Her Majesty's hired schooner Montreal, and requesting to know whether it had the sanction of my authority.

Encl. 6 in No. 38.

In reply I beg to inform you, that I hear of such circumstance with great sorrow and regret; that such a proceeding has not the slightest authority from me, but it is, on the contrary, a direct infringement of the orders given by me to the officers employed for the protection of the British shores of the St. Lawrence.

I will make immediate inquiry into the circumstances, and communicate with you upon the subject.

I have, &c.

(Signed) WILLIAMS S. SANDOM.

Colonel Worth, Commanding U.S. Army,  
Sackett's Harbour.

(Copy.)

Enclosure 7 in No. 38.

SIR,

Kingston, 9th August, 1839.

WITH reference to my letter of the 5th instant, in reply to yours of that date, on the subject of the St. Lawrence steam-vessel having been fired upon from H.M.'s hired schooner Montreal.

Encl. 7 in No. 38.

I have the honour to inform you that I have made the most minute inquiries into that transaction, and transmit herewith a copy of the statement of the commander of the Montreal relative to the circumstance.



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to the Marquis of  
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21st August, 1839.

Encl. 7 in No. 38.

By this statement, you will perceive that the muskets were directed to be fired with blank cartridges, in order to call attention to the request, that colours should be displayed, and I feel quite assured that, on a reconsideration of the subject, you will admit the propriety and justice of such a demand—the laws of nations sanction it—the invariable practice of the national vessels of all maritime powers is to exact it.

This vessel bore down upon that of Her Majesty, having her colours displayed, and came unnecessarily near, obstinately refusing that compliance which common courtesy always offers voluntarily, when a vessel is entering the port, or harbour, or town, of a friendly nation, as did the St. Lawrence, by passing within 150 yards of Brockville.

That the report which Commander Fowell states to have reached him “of a number of brigands from the United States’ frontier” being about to effect a landing on some part of the Canadian territory, is not without foundation, we have a proof that many of these characters did lately leave Oswego in the schooner Guernsey for that purpose, some of whom were apprehended in the town of Cobourg, armed, with the avowed intention of committing murder and robbery, and are now imprisoned upon that charge.

The schooner has since been seized by the authorities at Oswego, as I understand.

This circumstance, coupled with the events which have lately transpired upon these waters under our own observation, will surely justify the expectation, that by a strict adherence to the practice of maritime nations, “that vessels should be compelled to display the colours of the nations to which they belong,” and “have on board documents to prove the honesty of her calling,” we may, in a great measure, frustrate the machinations of the evil disposed, and effectually prevent the recurrence of events which, I feel assured, you, Sir, as well as myself, deeply deplore.

Colonel Worth,  
Commanding U.S. Army,  
Northern Frontier.

I have, &c.,  
(Signed) W. SANDOM, Captain,  
Commanding H.M. Naval Forces in Canada.

(Copy.)

Enclosure 8 in No. 38.

SIR,

Her Majesty’s Ship Niagara, August 8th, 1839.

Encl. 8 in No. 38.

In further explanation of my conduct in H.M. schooner, Montreal, as represented by my letter to you of the 5th August, whilst lying off Brockville, for the protection of the British shores from the lawless attempts of certain freebooters, who have been in the habit of committing depredations upon them.

I beg to state that, upon the near approach of the steam-vessel (said to be the St. Lawrence), I was very anxious to know to which nation she belonged, and for this purpose I hailed her to show her colours, which was disregarded; therefore I considered it my duty, and strictly in accordance with the customs of the navies of all nations, to call attention by firing a musket ahead of the vessel in question, which I ordered to be done with blank cartridge, and wide from her; but, in consequence of some muskets being kept loaded, the first was, by accident, fired with a ball in it.

From the fact of my never having seen the St. Lawrence, or any other American vessel on the British side of the river, and having received recent information that armed vessels having on board a number of brigands from the United States’ frontier were about to effect a landing on some part of the Canadian territory under such circumstances I deemed it indispensably necessary to make myself acquainted with the nature and occupation of every vessel of which I had hitherto no knowledge, and the appearance of the above-mentioned vessel, on her approach towards H.M. schooner Montreal bore a decidedly suspicious character. Had the steamer displayed her colours, which is usual on such occasions, the above measure would not have been resorted to by me, as I should then have concluded she was following her lawful occupation.

In reference to that part of the charge, of my “preparing to man and load a cannon,” I beg leave to state that the ship’s company were previously at their usual evening quarters.

I have, &c.  
(Signed) W. NEWTON FOWELL, Commander.  
Capt. William Sandom, Commanding H.M. Naval Forces  
on the Lakes of Canada.

Copy.]

Enclosure 9 in No. 38.

Head Quarters, Northern Dept. U. S. A.

Encl. 9 in No. 38.

SIR,

Sackett’s Harbour, N. Y. 10th August, 1839.

I HAVE the honour to receive your communication of the 9th instant, covering a copy of Commander Fowell’s report to you, in further explanation of the firing upon the American

steamer "St. Lawrence," on the 4th inst., brought to your notice by my communication of the 5th.

From the tenor of yours in reply of the same date, in which you are pleased to say, "I beg to inform you that I hear of such a circumstance with great sorrow and regret, that such a proceeding has not the slightest authority from me, but it is, on the contrary, a direct infringement of the orders given by me for the protection of the British shores of the St. Lawrence."

I am quite unprepared for so elaborate a justification of an act which cannot but be regarded as a wanton outrage. It would be unbecoming in me to anticipate the consideration which the United States Government may be disposed to give the transaction by entering into any discussion of the nice question of international law, which your officer seems disposed to transfer to those inland waters, in all the vigour of its application to the high seas—but until otherwise instructed by my superiors, I shall protest against the doctrine in theory, and to the utmost exertion of my power resist it in practice as totally inapplicable to the case, and uncalled for by the circumstances of either frontier—at war with the rights of our citizens and opposed to the peace and quiet of the border. The St. Lawrence is a regularly advertised passage-vessel, as well known to the people on the river at either side of the St. Lawrence, her name so legibly written as to be so read by the naked eye at half a mile's distance. Your officer says, she was within 150 yards of his schooner. I am well informed she was in the channel, and infer, if so near, that his vessel was wide of the shore. Doubtless it would be in better keeping with national pride, for all our vessels to display the flag of the country on passing, by land or water, that of a foreign Government; under the circumstances however, I apprehend this is a matter in which our people are responsible to their own Government alone. I do not doubt Commander Fowell received information "of a number of brigands from the United States frontier," being about to effect a landing on some point of the Canadian territory, and the further information is believed to be correct, that a band of robbers, some eight or ten in number, did embark in the schooner "Gurnsey" from Oswego, on a marauding expedition near Cobourg, almost all of whom I am happy to learn are in your custody, as the "Gurnsey" is in that of the American authorities.

These are mere individual acts of rascality on the part, in nine cases out of ten, of refugees from Canada; but, I venture to say that this frontier is quite as unexcited and indifferent to the affairs of Canada at the present moment, as any portion of the interior of our country, and will probably so remain unless roused by a repetition of acts, such as form the principal subject of this communication, that the steamer "St. Lawrence," so notorious as a mere passage-vessel with, probably, no severer weapon on board than a lady's fan, should have been mistaken in broad daylight for a buccaneer argues a high degree of credulity. Your officer says to be sure that he only meant to fire *blank* cartridges, but the mistake was quite awkward when a vessel having females on board was the object aimed at. Whether blank or ball, however, is quite immaterial to the question.

I have now the honour to give you notice, that I shall tender to the owners of each of the steamers navigating the St. Lawrence, a guard sufficient to resent on the instant (if insufficient to redress,) any insult offered, and that such guard, if accepted, will have my positive orders to return any and every fire opened upon them, come from what quarter it may.

It is hardly necessary that I should assure you, Sir, of the pain it would give me to witness a recurrence of the late deplorable events.

With high respect, &c.

To Captain Sandon, R.N., (Signed) W. J. WORTH, Col. Com.  
Com. Her Majesty's Naval Forces in Canada.

[Copy]

Enclosure 10 in No. 38.

SIR,

Kingston, 12th August, 1839.

I HAVE the honour herewith to transmit, for your Excellency's information, the copy of a letter received from Colonel Worth subsequently to my despatching to your Excellency the correspondence to which it relates.

Encl. 10 in No. 38.

I will take the liberty to remark to your Excellency, that the "Saint Lawrence" is a new vessel, just commenced running as a packet; and that, in coming down upon the "Montreal," and so close to the town of Brockville, she was decidedly out of her course and route usually taken by the American vessels, who generally keep their own channel, as being the best.

I have renewed my instructions, that no unnecessary or improper obstructions may be offered to vessels pursuing their lawful occupations; and shall be glad to put into execution any further orders or wishes your Excellency may deem expedient to direct upon this subject.

I have, &c.

(Signed)

W. SANDOM,  
Captain commanding on the Canadian Waters.

His Excellency Major-General Sir George  
Arthur, K.C.H., Lieut.-Governor.



No. 39.

(No. 179.)

COPY of a DESPATCH from Major-General Sir G. ARTHUR to the  
Marquis of NORMANBY.

Mr LORD,

Government House, Toronto, 27th August, 1839.

No. 39.  
Sir Geo. Arthur to  
the Marquis of  
Normanby.  
August 27, 1839.

IN my despatch, No. 176, of the 21st instant, I submitted to your Lordship a review of the then state of things in this province.

An opportunity of sending to New York having presented itself, I propose continuing the detail down to this date, although nothing particularly interesting has occurred since my last communication.

In that despatch, I adverted to the occurrence of a shot having been fired from Her Majesty's schooner Montreal, in consequence of the American steam-boat St. Lawrence having run close into Brockville without showing her colours.

No. 1

Captain Sandom has since personally investigated that affair; a copy of his letter to me, in relation to it, is enclosed; and although I still think that the shot ought not to have been fired, your Lordship will be relieved to find that the person in charge of the American vessel acted very improperly.

The master of that steamer, who seems to have been below at the time, and was apparently unconscious of what his mate was doing, appears to justify Commander Fowell's proceeding.

With reference to the meeting lately held at Hamilton to consider the Earl of Durham's scheme of "responsible government," I intimated to your Lordship that it was my intention to make it an occasion to place before the public the opinion I entertained in relation to that question.

No. 2.  
No. 3.

A copy of the reply, which accordingly I addressed to the committee, is herewith enclosed, together with the resolutions; and I hope that the views therein expressed will meet the approbation of Her Majesty's Government. I have gone, perhaps, into somewhat more detail, but it has been my endeavour to take for my guide the sentiments expressed in Parliament by your Lordship and Lord John Russell.

The expectation of further commotion, both within and from without, still gains ground. There is an anxious, restless foreboding, difficult to define, pervading the community, of a coming storm; but I trust from the knowledge and experience which I now have of the country, that if it cannot be dissipated, of which I by no means despair, we shall be able to encounter the worst with far less fuss and excitement than heretofore.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,

GEO. ARTHUR.

The Marquis of Normanby,

&c. &c. &c.

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Enclosure 1 in No. 39.

SIR,

Toronto, 27th August, 1839.

Encl. 1 in No. 39.

WITH reference to your Excellency's letter of the 21st instant, by which I judged you required some further information on the subject of the commanding officer of Her Majesty's hired schooner Montreal having fired two muskets to enforce his demand for a merchant steam vessel to show her colours when coming close in with the town of Brockville, and near his vessel, I have the honour to inform your Excellency that I have made every inquiry respecting it, and find that the steam vessel was at the time coming down unusually near the British shore, and that had she continued the course she was then steering, she would have passed inside the small islet, and into the harbour. A few moments before she was hailed, she was so nearly in a line with Her Majesty's schooner, that had she not altered her course, she would probably have run the schooner down, and that it was with this impression of alarm for the safety of his vessel, which induced the commanding officer of the Montreal to be unusually urgent to see the colours, not himself being aware of her occupation, or what vessel it was.

A gentleman, a passenger on board, has informed me, that the captain of the steam vessel, at the moment of the occurrence, was below in his cabin, and when, from the information of the passengers of what had passed upon deck, he the captain made inquiry; he strongly reprobated the act of the mate, or other person in charge upon deck, and stated, in the hearing of

all the passengers, that his vessel was decidedly inside the British line, and ought to have shown her colours without being called upon to do so; and further, that when some United States' officer, passenger on board, and the mate or clerk said it was their determination to put the circumstance in the public prints, as they considered it an insult, he the captain affirmed his determination to put in his counter statement to show the British officer was right in making the demand, and said "if he had not done so he deserved to have his epaulette torn from his shoulder."

From these circumstances, as well as from other information I have received upon the subject, it appears the motive which first actuated the commander of the "Montreal" in making the demand he did was not that of mere *etiquette*, but from an impression on his mind that the "Montreal" was in imminent danger of being run over by the steam-vessel; and in this feeling the whole of the crew of the schooner participated.

My orders have been most positive, that by no act of the vessels or boats employed for the protection of the British shore, should any cause of offence be offered. I felt most anxious to clearly understand this occurrence; and feel assured I can report to your Excellency, as well from my own personal inspection on the spot and inquiries, as from the proffered statement of the captain of the American steam-vessel, that her passing so unnecessarily near the schooner, moored close in with the town of Brockville, was one of those occurrences which sometimes take place when authority is vested in irresponsible hands. Had the captain of the steam-vessel been upon deck, this would not have occurred.

I have, &c.,

(Signed) WILLIAMS SANDOM, Captain R.N.  
Commanding in the Canadian Waters.

His Excellency Major-General Sir George Arthur,  
&c. &c. &c.

No. 39.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
August 27, 1839.  
Encl. 1 in No. 39.

Enclosure 2 in No. 39.

To his Excellency Major-General Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of  
Upper Canada.

Hamilton, G. D., 16th August, 1839.

WE take the liberty of forwarding to your Excellency the accompanying resolutions, in obedience to the instructions of a committee appointed at a public meeting of the freeholders and inhabitants of the district of Gore, held in pursuance of a requisition to the high sheriff.

Encl. 2 in No. 39.

We also beg leave to direct your Excellency's attention to the enclosed copy of the "Hamilton Journal," giving a report of the proceedings of the meetings at which the resolutions were severally passed, by which your Excellency will be satisfied of the numerous attendance (considering that the hay harvest was at this time at its height) and great respectability of the persons present.

On behalf of the committee, and more especially on behalf of the great body of persons whose sentiments are represented in the resolutions, we pray your Excellency's serious attention to the subject thus brought under your Excellency's notice, satisfied that the exigencies of the country imperatively require an energetic and immediate action on the great principles herein contained.

And we are your Excellency's most obedient humble servants,  
(Signed) GEO. S. TIFFANY, Chairman of the Committee.  
E. CARTWRIGHT THOMAS, Secretary of Committee.

Resolutions adopted at a General Meeting of the District of Gore, held at Hamilton the  
27th of July, 1839, on requisition of the High Sheriff.

Hamilton, 27th July, 1839.

RESOLVED 1st.—That this meeting continues to feel a strong attachment to the British Crown; nevertheless, having observed with dismay the present unsettled state of public affairs, it is desirous of expressing its want of confidence in those who are known to exercise an undue influence over the government of the country, and declaring its belief that the present House of Assembly does not represent the wishes or sentiments of the constituency of the province, particularly in its late Report of its Committee, purporting to be the Report of the House of Assembly in answer to Lord Durham's Report on the State of the Province.

Resolved 2d.—That the Report of the Earl of Durham, in all its material points, has been received by an overwhelming majority of the people of Upper Canada with the most abundant gratification; and this meeting is of opinion that, provided *legislation be not delayed*, but that the leading principles of that Report be fully, fairly, and, *above all, speedily carried out*, this colony may yet attain a high degree of prosperity and happiness, and be maintained in happy connexion with the mother country to an unlimited period.

Resolved 3d.—That this meeting is of opinion that a *responsible government*, as recommended in Lord Durham's Report, is the only means of restoring confidence, allaying discontent, or perpetuating the connexion between Great Britain and this colony.



No. 39.  
 Sir Geo. Arthur  
 to the Marquis of  
 Normanby.  
 August 27, 1839.  
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Resolved 4th.—That this meeting earnestly hopes that it will please his Excellency the Lieutenant-Governor to dissolve the present House of Assembly forthwith, in order that, by an appeal to the people of this province, their sentiments upon the present state of public affairs, and especially upon the Report of the Earl of Durham, may be obtained.

Resolved 5th.—That this meeting hereby pledges itself to support at the next election such candidates, and such only, as can declare themselves favourable to the leading principles of Lord Durham's Report, and shall be prepared to support the same by every means in their power.

Resolved 6th.—That the union of these provinces upon just and fair terms is our wish, and in our opinion such an union will be productive of the most happy results.

Resolved 7th.—That the following gentlemen (with power to add to their number) be appointed a committee, to draft an address to Her Majesty founded upon the foregoing resolutions, to procure signatures to the same, to invite the other districts of the province to join us, to enter into such correspondence as they may think proper, and to do such other acts as may seem to them necessary, for the purpose of carrying out the intentions of the meeting: The committee of management now acting at Dundas, on behalf of the county of Halton, appointed at their meeting yesterday: also G. S. Tiffany, N. Ford, D. Allison, A. Carpenter, J. L. Wilson, E. C. Thomas, R. G. Beasley, J. Smith, S. Mills, W. B. Vanevery, D. Buchan, H. Capron, M. Aikman, G. Hugaboom, J. Jackson, Walter Scott, Caleb Hopkins, Harmanus Smith, E. C. Griffin, James Gage, J. A. Wilkes, W. C. Ross, J. S. Sandiland, Major Bowen, William Kent, Abraham Cooke, and H. Moyle.

Resolved 8th.—That this meeting cannot separate without expressing its grateful thanks to the Earl of Durham for his deep attention to the welfare of the American colonists, nor without declaring the hope that his Lordship will continue to exert himself in his place in Parliament, and by every other constitutional means, on behalf of the same.

Resolved 9th.—That a copy of these resolutions being signed by the chairman and secretaries of this meeting, be forwarded to his Excellency the Lieutenant-Governor of this province, to the Marquis of Normanby, colonial secretary, and to the Earl of Durham.

Moved by William Chisholm, esq., seconded by James L. Willson, esq., that the thanks of the meeting be given to the sheriff for his able and impartial conduct while presiding at this meeting, which was unanimously carried.

(Signed) ALLAN M'DONELL, Chairman.  
 JAMES L. WILLSON, }  
 JOHN SMITH, } Secretaries.  
 JOSEPH DAVIES, }

Enclosure 3 in No. 39.

George S. Tiffany, Esq., and the Gentlemen composing the Committee appointed by the General Meeting, held at Hamilton, on the 27th July, 1839.

Government House, Toronto, 24th August, 1839.

Encl. 3 in No. 39.

THE address you have transmitted to me, and the accompanying resolutions, of a public meeting held at Hamilton, are such as to render, in reference to so respectable a meeting, a reply on my part necessary.

I am requested to dissolve the present provincial assembly, for the purpose of referring to the constituency of this colony the expediency of establishing a system of government, the effect of which would be to make certain public functionaries in the province alone answerable for the exercise of the Royal prerogative, in the administration of public colonial affairs.

Although it was competent to Her Majesty's High Commissioner to offer any recommendation to Her Majesty, which seemed to him justly and properly to result from his investigations in this province; and although it belongs to Her Majesty and the Imperial Parliament to make any alterations in the constitution of this portion of the empire, which may appear wise and prudent, I do not conceive that the governor of this province is empowered to submit, for the consideration of the electors, a question involving most essential alterations in the fundamental principles of the constitution, under the authority of which the powers of government and legislation are exercised in the colony.

I have given to the system, called "responsible government," the most deliberate consideration; and I readily avail myself of this opportunity to lay before the community, with frankness and candour, some of the leading consequences which, I apprehend, must inevitably follow its adoption.

Judging from the reported expressions of opinion from Her Majesty's constitutional advisers, I am led to believe, that I am but reiterating their views, when I state to you, as the result of my own deliberations, that the proposed plan would lead to a state of things inconsistent with the relations of this colony, as a dependency of the British Crown.

I consider that the general influence of public opinion on the exercise of the functions of the sovereign, which the constitution of England practically allows, ought carefully to be dis

tinguished from the influence which the people of a particular portion of the empire may safely possess; and I cannot resist the conclusion, that the complete ascendancy of popular will in a colony, which must necessarily accompany the introduction of "responsible government," renders such colony practically independent, and its relations with the mother country thenceforth but a name.

Although by means of the powers of legislation, wisely granted to this province, the people have an immediate share in the management of their own public and local concerns, and although they elect without control the popular branch of the legislature, yet I deem it most essential that the influence of this part of our constitution should not be extended to such a length as would enable it virtually to supersede that legitimate action of the royal prerogative, guided by national will, upon which the connexion between the colony and the mother country must mainly depend.

I think it apparent that under the proposed system there would not be in existence any constitutional power which could preserve uniformity of principle in the policy of Her Majesty's Government and the Imperial Parliament, with that to be pursued in the colony, and I cannot imagine anything so incompatible with respect for the throne, with all sound notions of government upon monarchical principles, and with the connexion between the colony and the parent state, as the establishment of a distinct, independent, and inconsistent policy.

I think that so long as a colony enjoys the protection and support which are the consequences of a connexion with a mighty empire, it is essential that the colony, its government, and its legislature, should be modelled in such a manner as would enable it to insure strict harmony with the supreme powers of government vested in the parent state.

The powers required to be ceded to the popular branch of the legislature would extend, not merely to the control and removal of the officers of the local government, even when acting in obedience to instructions from the Ministers of the Crown, but would enable that body to dictate to those Ministers a course of proceeding in relation to the colony inconsistent with the general policy of the empire, to which a Minister, responsible directly to the Imperial Parliament, as well for his conduct in reference to the colonies as to the mother country, could not accede; and thus, instead of the maintenance of harmony, an impending, almost inevitable danger of collision would be produced.

The necessity for the people of Upper Canada preserving the sympathies and goodwill of the inhabitants of the neighbouring country has been powerfully recommended by the report, which formed the subject of consideration at the public meeting at Hamilton. Need I urge upon the subjects of the British Crown, in Upper Canada, the still more obvious duty and necessity of cultivating the affections of the sovereign and people, by whose power they are sustained, and to whose protection alone they can look with confidence?

I feel assured that whilst the Crown has shown its determination, on the one hand, to maintain inviolate this valuable portion of the British Empire, the inhabitants of this province must have perceived an extreme anxiety on the part of Her Majesty's Government to act as much as possible in accordance with the views of the provincial legislature, in all local questions, and to accede in every practicable manner to its wishes, even when the measures contemplated could not fail to affect more general national concerns.

I have endeavoured to make myself intimately acquainted with the true interests of the people of Upper Canada. I know that much requires to be done, and that many difficulties have to be overcome, before the extensive tracts of uncultivated land can be made available to advance the provincial resources.

I am convinced of the necessity of diffusing over the whole province the inestimable blessings of sound religious instruction and a good system of general education. I am of opinion that restrictions on trade, which work injuriously here, may be removed without real prejudice to the interests they were intended to protect; and that immigration, in a better state of things, may be effectually promoted; and I am prepared to assist in investigating and improving all the public departments of the Government, and to make the real and deep responsibility of all its officers fully apparent.

I am likewise deeply sensible of the necessity of developing the resources of the province by means of public improvements. I have lamented and endeavoured to counteract the causes which, for a time, have paralyzed the energies of the enterprising inhabitants of this colony, and I have joined in earnestly soliciting that aid which alone can place the financial affairs of the country permanently on a satisfactory basis.

I cannot permit an allegation,—that any persons are known to exercise an undue influence in this government,—to go abroad without contradiction. I should ill perform my duty to my Sovereign were I to permit any influence to prevail with me inconsistent with the welfare of the people whom I have been sent to govern, and whose happiness I am enjoined to advance by every means at my disposal.

If, unhappily, I have failed in this object, I am not beyond the complaints of the people of Upper Canada; but, in common with the highest and the lowest servants of the Crown, I am answerable for my measures and conduct. From this high responsibility I do not seek to be relieved; nor can I be easily convinced that it is the wish of the people of this province to see it transferred, with all the powers of government, to a few officers in the colony, who acting independently of the wishes of the Sovereign and of the policy of the general Government and Legislature of the empire, would sway for a time the destinies of this country, and expose it to the continual struggles of party and faction, so utterly at variance with the prosperity and happiness of a young and rising community.

(Signed)

GEO. ARTHUR.

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Sir Geo. Arthur  
to the Marquis of  
Normanby.  
August 27, 1839.

Encl. 3 in No. 39



No. 40.

(No. 183.)

COPY of a DESPATCH from Major-General Sir G. ARTHUR to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 9th Sept. 1839.

No. 40.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
Sept. 9, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 84, of the 23d of July, enclosing for my information a copy of a letter from the Under Secretary of State for the Home Department, announcing that, after considering the cases of the Canadian prisoners enumerated in that letter, Lord John Russell had felt bound to recommend to Her Majesty to grant them a pardon, on their entering into their own recognizance not to return to Canada, nor to appear within 50 miles of the Canadian frontier. Your Lordship has kindly explained the grounds on which this decision had been adopted.

Aug. 29, 1839.

The receipt of this official communication has enabled me to comply with the wish expressed by the Executive Council, in their Minute of the 20th of August, of which a copy has been already transmitted to your Lordship, that "your Lordship would place it in my power to explain that the release of the prisoners did not proceed from any disapproval of their sentence, or from a belief that injustice had been done them, but, on the contrary, that it resulted from legal difficulties, which Her Majesty's Government regretted, and of which it admitted the weight with great reluctance.

I have now the honour to enclose a copy of the Upper Canada Gazette, which contains such extracts from your Lordship's Despatch as I considered it prudent to make public; and their promulgation, I am satisfied, will be of the greatest service in the mitigation of an evil that seems to have been quite unavoidable, and which Her Majesty's Government have unsuccessfully struggled hard to avert.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquis of Normanby,  
&c. &c. &c.

GEO. ARTHUR.

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Enclosure in No. 40.

UPPER CANADA GAZETTE, 28th August, 1839.

Provincial Secretary's Office, Toronto, 26th August, 1839.

Encl. in No. 40.

THE Lieutenant-Governor announces that the undermentioned state prisoners, viz.,—

Ira Anderson,	Leonard Watson,
James Brown,	John Goldsbury Parker,
Randal Wixon,	Finlay Malcolm, and
William Alves,	Paul Bedford,
Robert Walker,	

who were sent to England for the purpose of being transported to a penal colony, have been released.

Her Majesty's loyal subjects will be gratified to find, from the perusal of the following extract from a Despatch from the Right Honourable the Marquis of Normanby, Her Majesty's Ministers have been fully sensible of the inconvenience that might result from the discharge of those "self-convicted" prisoners, and have only yielded to their liberation from inevitable necessity.

By his Excellency's command,

R. A. TUCKER, Provincial Secretary.

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Extract from a Despatch, No. 84, of the 23d July, 1839, from the Marquis of Normanby, Her Majesty's Principal Secretary of State for the Colonies, to his Excellency Major-General Sir George Arthur, K.C.H., &c. &c. &c.

"The decisions of the Courts of Queen's Bench and Exchequer ascertained that the prisoners were held in lawful custody in this kingdom; but those courts did not determine either of the two ulterior questions, namely, whether their compulsory removal from this kingdom, or their compulsory detention as convicts in Van Diemen's Land, would be lawful. The judges studiously declined the expression of any opinion on either of those points of law, because they had not then actually arisen, and they strictly confined their judgment to the precise and single question in controversy before them. It was, however, inferred by those who attended the

discussions and heard the judgments, that the judges entertained a very grave doubt whether the Government could lawfully proceed further against the prisoners, unless they could bring them to trial in this country for their treasons.

"Under these circumstances, I consulted the Attorney and Solicitor-General on the question whether, if the prisoners should be sent to Van Diemen's Land, they could be lawfully held in custody there as convicts or prisoners of the Crown. The law officers reported that they could not be so detained or dealt with in that colony, unless either an Act of Parliament or a Colonial Ordinance were made to justify that course of proceeding.

"Here, then, arose a conclusive and insuperable difficulty. Her Majesty's Government could not propose such an enactment either to the imperial or to the local legislature with any prospect of success.

"Amongst other objections to such a law, it was not the least weighty that the Government are not in possession of the evidence by which the offences of the prisoners, or of any of them, are established. We have, indeed, their petitions for pardon, in which their guilt is acknowledged in general terms; but under the peculiar circumstances of the case it was impossible that such an acknowledgment could be admitted as a sufficient basis for legislation against them. We have also the Reports of the Commissioners by whom the cases were investigated; but on what proofs the Commissioners proceeded it is not in our power to explain. An Act of Parliament, or an Ordinance of a nature so totally new and unprecedented, could scarcely have been obtained, even on the most complete evidence of the facts. In the absence of such evidence, it was manifestly unattainable. To have sent the prisoners to Van Diemen's Land on the mere chance that a law might be passed there for their detention, was a proceeding which it would have been impossible to hazard or to justify.

"It thus became necessary, either to bring these men to trial in this country for high treason, or to discharge them from further imprisonment. A trial, I need hardly say, must have resulted in their acquittal, because we have no producible witnesses of their guilt, and because, after all that had occurred, such a prosecution would have been justly regarded with the utmost disfavour by the court and jury.

"The result is, that they have been released on the conditions mentioned in the letter from the Home Office. Her Majesty's Government have used every exertion in their power to avoid a result which they lament, as it may prove embarrassing to your Administration, and perhaps to the tranquillity of Upper Canada. I trust, however, that when the real state of the case is known in the province, any excitement which may have been raised by this decision will subside, and that it will be in your power to disabuse the public mind of the opinion that Her Majesty's Government regard with indifference or are disposed to treat with a misplaced lenity such crimes as those of which the prisoners in question are self-convicted."

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No. 41.

(No. 191.)

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR to the Marquis of NORMANBY.

MY LORD, Government House, Toronto, 17th September, 1839.

As my despatches must be closed this evening, in order to be forwarded by the Great Western, I am anxious to convey to your Lordship intelligence of our situation down to the latest period.

Rumours of the movements of the disaffected within the province, and of their allies, the self-styled patriots on the American frontier, whispers of plots and conspiracies, and of "Russian agencies" being at the bottom of all, are extending just as they did last year, with the addition of the excitement that is occasioned by the continued meetings in favour of "responsible government," which, the reformers say, they must and will have.

I apprehend, however, that these reports, gathering strength and augmenting terror as they pass on from alarmist to alarmist, are founded upon what is the desire of the disaffected in the province and their partisans on the frontier, rather than upon what they will actually attempt.

Some robberies of a daring kind have been committed, within the last fortnight, on the rivers St. Clair and St. Lawrence; and four days ago the episcopal church at Chippewa, on the Niagara frontier, was burned by incendiaries, who are supposed to have crossed from the United States; but of this I have seen, as yet, no positive proof.

In this harassing way, isolated crime, and provocation to retaliation, which it will require great vigilance to prevent, will most probably be the system of aggression attempted to be carried on throughout the winter, unless, providentially, the parties contemplating such proceedings should be deterred by the danger of the enterprise, to themselves.

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Sir Geo. Arthur  
to the Marquis of  
Normanby.  
Sept. 9 1839.  
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No. 41.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
Sept. 17, 1839.



No. 41.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
Sept. 17, 1839.

To this end the capture of the banditti that landed at Cobourg, as reported in my despatch of the 21st of August, No. 176, and their immediate conviction, will have proved very important means; while another marauding attempt, lately made at Grenadier Island, in the St. Lawrence, terminated in one of the party, who had crossed the St. Lawrence, being shot, without the contemplated robbery being effected.

Our state of preparation, and the examples of last year, will, I trust, prove a sufficient security against the execution of any renewed schemes of violence or outrage in considerable force; unless, indeed, there should arise anything here which may be termed an insurrection, in which case thousands would be ready to cross from the opposite frontier and render active assistance.

At present I can discover nothing seriously to apprehend. On the contrary, I hope to see the existing feverish state of things subside, so soon as the "responsible government" meetings are over, and yet there is an appearance of undefinable mischief that makes me continually anxious.

By the British Queen I shall have the opportunity of again addressing your Lordship in a few days.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

GEORGE ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

No. 42.

No. 196.)

COPY of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 25th September, 1839.

AT the request of certain magistrates of the township of Guelph, I have the honour to transmit to your Lordship the accompanying copy of a declaration signed by 300 of the inhabitants of that township and its vicinity, in reference to the report of the Earl of Durham on the affairs of British North America.

I have further the honour to transmit a copy of the letter from the magistrates which accompanied the declaration, as also of my reply thereto.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure 1 in No. 42.

Declaration of the undersigned Inhabitants of the Township of Guelph, District of Gore, and its vicinity, in reference to the Report of the Earl of Durham.

To his Excellency Sir George Arthur, K.C.H., Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c., &c., &c.

May it please your Excellency,

We, Her Majesty's loyal and dutiful subjects, the undersigned inhabitants of the township of Guelph, and its vicinity, deem it our duty, at the present critical period, to give expressions to our sentiments respecting the state of this province, and more especially with reference to the report of the Earl of Durham, a document which now forms the subject of much public discussion.

We are persuaded that the greatest want experienced by Upper Canada at this moment is that of repose and tranquillity. We are convinced that our most dangerous enemies are internal strife and dissention. Threatened, as we are, with a continuance of those predatory violations of our soil, which have been already attended with the murder of our fellow subjects and the plunder of their property, and which may yet result in a national and bloody war, of which this province must be the theatre.

We deeply feel the importance of maintaining unanimity amongst ourselves; we believe that by doing so we shall best strengthen the hands of the executive in taking measures for our defence, and most effectually place ourselves in that state of preparation on which, in a great measure, depends our safety. Nor is internal tranquillity less essential to the encouragement of immigration, than it is to our successful defence against foreign insult and

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aggression. Who will cast in his lot among a distracted people? Who will invest his capital where all things appear in a state of insecurity and commotion?

Influenced by these considerations, we are most reluctant to take any step to increase the excitement recently occasioned within this province by the Report of the Earl of Durham, but as in that Report an important change is recommended in the mode of administering the government of this colony, a change which, plausible as it may appear, we consider to be pregnant with danger to our monarchical institutions, and to expose to much peril our connexion with the mother country, and as the attempt is now being made to obtain an expression of public opinion in favour of that portion of Lord Durham's Report to which we refer, we are compelled thus formally to express our sentiments, lest the resolutions which have been adopted at a few public meetings should appear to be the voice of the whole people of Upper Canada.

We readily admit that Lord Durham's Report contains many valuable suggestions, which we should be glad to see carried into effect, but we feel bound to protest in the strongest manner against the adoption of that portion of it which recommends that the executive government of this province should be rendered responsible for all its acts to a majority in the House of Assembly; we believe that we already possess a responsible government; our executive is responsible to the Crown, whose Ministers are responsible to the Imperial Parliament. We possess, besides, the privilege of a representative House of Assembly, and we know that a law cannot be enacted, nor a tax imposed, without the consent of the majority of the people of this province, given through their representatives in that House. There all public accounts are called for and examined, and all public measures freely debated; and we do not doubt that every representation of that House will at all times command the fullest attention of the Imperial Government.

This is all the responsibility we desire, and we are sure that it is all that is compatible with our connexion with England as one of its colonies, for we cannot forget that we are not an independent nation, but a province of a great empire. We find it admitted by Lord Durham that the system which he has recommended would render this province independent of the mother country, so far as relates to its internal government.

Such being the case, we see nothing to prevent the popular branch of the legislature from assuming the most democratic form, and establishing universal suffrage, vote by ballot, and all the distractions attendant on annual parliaments, with a House of Assembly so constituted, and an executive responsible to it for all its acts. We are of opinion that we should have virtually exchanged a monarchy for a republic, a form of government under which the experience of the United States proves that every species of public fraud and corruption may prevail; or if the particulars above-mentioned should be regulated by the Imperial Parliament, we believe that the spirit of independent legislation without any reference to the Imperial Government would soon acquire such strength (more especially when we consider our proximity to a neighbouring republic) as to issue in repeated attempts to throw off what would be regarded as the yoke of England, we mean English determination of our form of government, English regulation of our foreign relations and of our trade, and the disposal by the British Government of the public lands of this province, as also of the revenues arising therefrom. All which matters Lord Durham proposes to reserve for the control of the mother country. And when we consider how liable to fluctuation and change is the popular will, and how often a few designing men succeed in inflaming the minds of the people, and in leading them to adopt opinions which when left to their own unbiassed judgment they reject; when we recollect the course pursued by the House of Assembly of Lower Canada under the rebel Papineau, and the line adopted by our own Assembly under the traitors Bidwell and McKenzie, we fear that the control of the mother country, or, to use another expression of Lord Durham's, "a subordination on the part of the colony," would be but ill secured by the authority of the Imperial Legislature, by the protection which we should desire against foreign enemies by the beneficial terms secured to our trade, or by our share of the reciprocal benefits which would be conferred by a wise system of colonization, which are the only guarantees suggested by Lord Durham. Such another Assembly as McKenzie's might, by some misfortune, again misrepresent the province;—are we prepared at its bidding to turn rebels against our Sovereign and become republicans? We answer, "Never!" And yet we are convinced that such is the condition to which the loyal inhabitants of Upper Canada would be involuntarily reduced in consequence of the adoption of the responsible government recommended by Lord Durham.

To conclude, we are far from intending by this declaration of our sentiments to give it as our opinion that there are no evils affecting this province which call for redress; on the contrary, we believe that measures ought speedily to be taken to relieve this colony from the difficulties under which it labours.

We are of opinion that the honour and dignity of the British Crown, and the peace and happiness of Her Majesty's subjects in this province, imperatively demand that such measures should be adopted as shall effectually oblige the American Government to restrain its citizens from continuing their disgraceful outrages against the lives and properties of the people of this province, so that, no longer harassed by fears of lawless violence, the inhabitants of Upper Canada may devote themselves to their several pursuits in security and peace.

We believe that the high prices of the wild lands of the Crown present a most serious obstacle to our prosperity, and that it should speedily be reduced within the lowest possible limits. We are desirous of seeing immigration promoted on an extensive and well-regulated system, calculated to promote the comfort and welfare of all who may be induced to settle amongst us; and that a firm line of policy, involving the complete and final settlement of all

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the great questions now pending, should be promptly adopted by the Imperial Government. We believe that, if these measures are taken, Upper Canada would rapidly flourish, that its inhabitants would gladly repose under the powerful and fostering protection of the British empire, grateful for British law, because it affords them British freedom, and unwilling to exchange its long-tried blessings for the crude novelties and republican theories of Lord Durham and his admirers.

(Signed) G. LYNCH, and 299 others.

Enclosure 2 in No. 42.

To His Excellency Sir GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

Guelph, 16th September, 1839.

Encl. 2 in No. 42.

WE, Her Majesty's loyal and dutiful subjects, the undersigned magistrates of the township of Guelph and its vicinity, desire respectfully to express to your Excellency the deep regret and anxiety we feel at witnessing the excitement recently occasioned in this province by the Report of the Earl of Durham; and we cannot avoid stating our conviction, that the interests of Upper Canada have been placed in greater jeopardy by the recommendation of such a system of responsible government as that Report contains, than by all the efforts hitherto made by rebellion and sedition for the destruction of our laws and liberties.

Dark as the prospect appears at this moment, we are, however, not left without encouragement to hope for better days.

We have learned, with the highest satisfaction, the strong expression of opinion given by several of Her Majesty's Ministers in opposition to Lord Durham's scheme of responsible government; and we trust that no representations made to the Imperial Government during the fever of a temporary excitement will ever induce it to lend its sanction to a system which would inevitably lead to the dismemberment of the empire, and the establishment of republican institutions within this province.

We derive further encouragement from the knowledge that Upper Canada contains a strong and numerous body of loyal subjects of Her Majesty who have not suffered themselves to be deluded by the plausible theory of Lord Durham, and who are determined to live and die in defence of our glorious constitution. We have great satisfaction in being able to corroborate this statement in the most satisfactory manner, so far as this township is concerned; and with that view take the liberty of submitting to your Excellency the accompanying declaration, in reference to the Report of the Earl of Durham, signed, in a few days, by upwards of 300 of the most substantial people of this place, which we respectfully solicit your Excellency to transmit to England, to be laid before Her Majesty.

We conclude by assuring your Excellency that, while we look anxiously to the Imperial Government for the exhibition of firmness and constitutional principles in settling the affairs of this province, and to the loyal inhabitants of Upper Canada for union, activity, and fidelity in defence of the cause of loyalty and order, we rely with the fullest assurance upon the constitutional feeling, the energy, and lengthened experience of your Excellency for the successful conduct of the government of this province at the present most critical period of its history.

(Signed)	BROOKE YOUNG, J. P.	GIFFERY LYNCH, J. P.
	THOMAS SAUNDERS, J. P.	ROBERT ALLING, J. P.
	W. THOMPSON, J. P.	EDWARD MURTON, J. P.
	W. HEWATT, J. P.	EDWARD HENNING, J. P.
	O. C. HUNTLEYS, J. P.	JOHN POORE, J. P.
	GEORGE S. GRANGE, J. P.	

Enclosure 3, in No. 42.

GENTLEMEN,

Government House, Toronto, 20th September, 1839.

Encl. 3 in No. 42

I HAVE received your address of the 16th instant, and have considered with attention the declaration which accompanies it from a respectable body of the inhabitants of Guelph and its vicinity, which I will not fail to transmit to Her Majesty's Secretary of State, in accordance with your request.

The question of responsible government I felt to be one of so much importance, that, in answer to an address from the district of Gore, I expressed my deliberate sentiments fully upon it, and beg to enclose you a Gazette, containing a copy of that paper.

I thank you for the sentiments of confidence which you so kindly express towards myself, and most heartily concur in your conviction, that repose and tranquillity are the blessings most

needed by the people of Upper Canada, and am well assured that you judge rightly in supposing that by unanimity among yourselves you will most effectually strengthen the hands of the executive government in providing for the peace and safety of the country.

(Signed) GEO. ARTHUR.

No. 42.  
Sir George Arthur  
to the Marquis of  
Normanby.  
Sept. 25, 1839.

Encl. 3 in No. 42.

Brook Young, Esq., and the other Magistrates of the Township of Guelph and its Vicinity, whose Names are subscribed to an Address, dated 16th September, 1839.

No. 43.

EXTRACT of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H., to the Marquis of NORMANBY.

Government House, Toronto, Sept. 27, 1839.

CONTINUING the narrative contained in my Despatch, No. 191, of the 17th instant, I have now the honour to report, that the same rumours to which I before alluded respecting the designs of the disaffected in the province, and their partizans on the American frontier, continue to prevail.

All the wicked heads on both sides are constantly at work, plotting mischief; and many inconsiderate persons, by the course they are now pursuing at the "Responsible Government" Meetings, promote the designs of the most criminal characters.

The foundations of civil order were broken up by the occurrences of the year 1837; and general mistrust and bad feeling open out a way for the display of the worst passions of the worst men, of which they seem keenly disposed to avail themselves.

\* \* \* \* \*

I have already informed your Lordship of the destruction, by fire, of the Episcopal Church at Chippewa, and the documents now enclosed in relation to that occurrence, would seem to confirm, beyond a doubt, that it was the act of an incendiary from the United States.

A few days afterwards the greater part of the buildings on the property of Colonel Creighton, on the Niagara frontier, were destroyed in a similar manner, and his dwelling-house was saved with difficulty from the conflagration.

It was found to be impossible to try the banditti mentioned in my Despatch, No. 176, who crossed over from Oswego, and were apprehended at Cobourg, for the capital offence, under the Provincial Act 1 Vic., ch. 3, but they were convicted for conspiracy to murder Mr. Henry.

A Coburg Newspaper, containing a summary of the judicial proceedings in this atrocious case, is enclosed.

Excitement on the subject of "Responsible Government" remains unabated; and meetings, termed "Durham Meetings," of the advocates of the system, continue to be convened in various parts of the province.

Two extensive meetings of this kind have been holden during the past week, at Simcoe and Niagara.

The Conservative party—I wish to be understood as attaching to this word its true meaning, and not that which would apply to any party in England—is, I think, generally acting with discretion throughout the province.

One address has been forwarded to me, signed by the inhabitants of Guelph, in the Gore district, condemnatory of the principles of local government, advocated in the Earl of Durham's Report. The signatures were individually procured, as the magistrates considered, whilst they desired to express their sentiments, that it was proper to avoid the excitement of a public meeting—a course of conduct, which, I hope, will be generally followed.

Application was made to the Sheriff to call a "responsible government" meeting in this city; but as he considered it would bring down the Orange party in considerable numbers, who reside to the north and west of Toronto, for whose peaceable disposition it was not possible to answer on such an occasion, he declined to call the meeting.

No. 43.  
Sir George Arthur  
to the Marquis of  
Normanby.  
September 27th, 1839  
No. 5.  
(Cobourg Star, 18th  
Sept., 1839.)  
No. 6.

No. 1.

No. 2.



No. 43.  
Sir George Arthur  
to the Marquis of  
Normanby.  
September 27th, 1839.  
No. 8.

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No. 3.

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The government was, of course, not appealed to in the matter, and I thought the Sheriff was wrong, and I expected fully that the meeting would have been convened without his interference, but it seems the affair has subsided quietly.

The Orange party, the most formidable, certainly, as a body, in the Province, are all alive. They are, as Her Majesty's government is already aware, enthusiastically loyal; and, resolving to maintain the constitution, they turned out to a man in 1837, and that in a way that in some instances evinced a love of their country quite romantic.

It has been reported to me that there is a considerable organization of independent companies at Rochester, Oswego, Buffalo, and Detroit, under the direction of the state authorities, but, with what view I have not yet been able clearly to ascertain. It may be, that the American government consider that this description of force may be more effective in the suppression of aggression than their totally unorganized militia; at the same time, feeling that there is cause for retaliation from our side, they would be in a better state of preparation to resist it. These companies are armed and clothed, but receive no pay.

The state of the province I have lately been obliged to investigate with deep attention, preparatory to addressing the Commander of the Forces on the subject of the militia force to be kept up during the winter months, because the period for which the services of a portion of that force were engaged will expire about the end of October, and it was necessary to take some immediate action in regard to them. As my communication to Sir John Colborne embodies the views which I entertain respecting our position with reference both to internal and external elements of danger, I transmit a copy of it for your Lordship's perusal.

The uneasiness of the loyal portion of the community on the Niagara frontier has been the subject of anxious consideration in the Executive Council. Your Lordship will be aware that, even if troops were placed in every house, it would not be possible to guard against the hand of the assassin or the incendiary, and it is deeply felt that these villains are secure as soon as they escape into the States!

The Council has advised, as the best protection, that a small police force should be stationed at Niagara, rather than any increase of troops in that quarter, and the necessary expense defrayed from the casual and territorial revenue, before an application can be made to the House of Assembly, upon which advice I intend to act during the winter months, and I trust it will meet with your Lordship's approval. Should it be necessary, I shall adopt the same course on the western frontier—for these villains, who are making it their business to cross over and commit murders and robberies, must be stopped in their career, if possible.

John G. Parker, one of the Canadian convicts, lately liberated in England, now residing in Rochester, is desirous of entering into an arrangement with some Englishman at that place, to effect a transfer to them of his landed property in this province, in exchange for similar property which they hold in the States.

I shall take the opinion of the law officers on the question of Parker's property here, being in any way subject to attainder, so as to avoid further difficulty with the House of Assembly; but, if there be no legal obstacle in the way, as I think there cannot be, I shall be glad to facilitate an arrangement which, I hope, may be the means of severing him from all further connexion with this province.

The question of the "Union" is now very little discussed in Upper Canada: not only republicans and ultra-reformers, but some excellent persons of liberal principles are most clamorous for "responsible government," and, strangely enough, this is demanded by persons who, in other respects, strongly condemn Lord Durham's Report, as well as the Bill that has been sent out, as too democratic, and likely to lead to separation, which they protest they do not desire, whilst they ask for a measure that must inevitably dissolve the connexion.

Such matters as I have referred to in this communication, as may require to be enlarged upon, will be submitted in a separate despatch.

In this, my only intention is to convey a general outline of our present position. There is enough just now to make one, in the administration of this government, very anxious; but, so far as I can judge, vigilance and determination will keep all safe during the winter.

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No. 4.  
21st Sept., 1839.

(Copy.)

Enclosure 1 in No. 43.

LETTER from Mr. CUMMINGS.

No. 43.  
Sir George Arthur,  
to the Marquis of  
Normanby.  
September 27th, 1839  
Encl. 1 in No. 43.

SIR,

Chippawa, 16th September, 1839.

I HAVE the honour to enclose three affidavits, made by respectable persons at this place, for the information of his Excellency, respecting the burning of the church at this place, of which there can be no doubt but that it was done by persons from the other side of the river.

I have, &c.

(Signed) JAMES CUMMINGS.

To the Civil Secretary, Toronto.

(Copy.)

John Ussher, of Chippawa, in the township of Stamford, Esquire, maketh oath and saith that he was awakened between the hours of one and two o'clock on the morning of the 13th instant, and informed that the church in this village was on fire; that this deponent, on looking out of the window, observed the said church in flames.

That afterwards, about the hours of twelve or one o'clock of the same day, this deponent being of opinion, from previous acts of the same nature, that the fire in question had been the work of an incendiary from the United States, made a diligent search (in company with two other gentlemen) to obtain every information on the subject. That, upon examining the beach in rear of the church, this deponent discovered the mark where a flat-bottomed boat or canoe had been hauled up, a number of shavings on the beach, and a distinct track of a human foot, about eleven inches long, four inches broad, low heel, and round-toed boot or shoe.

That he distinctly traced this track up the bank and back again, and found from the *river clay* on the fence where a person had crossed, viz., the second panel on the right of the church in rear.

That this deponent has not the slightest doubt that some persons (there being the marks of several feet where the said boat or canoe was hauled up,) from the opposite shore crossed over land burned the said church. When this deponent observed the flames the wind was blowing from the north.

Further this deponent saith not.

(Signed) JOHN USSHER.

Sworn before me, at Chippawa, this  
14th day of September, 1839.

(Signed) JAMES CUMMINGS, J. P.

George Coventry, Esquire, affirmeth and says, that he went after John Ussher, Esquire to examine the beach, and corroborates the testimony of said Ussher; that he picked up one of the shavings on the beach, and on examination it proved to be the shaving of white wood, which wood is not in common use in this part of the country.

(Signed) GEORGE COVENTRY.

Affirmed before us this 14th September, 1839.

(Signed) SAMUEL STREET, J. P.  
JAMES CUMMINGS, J. P.

James D. Slater, of Chippawa, gentleman, maketh oath and saith, that he was among the first who went to the church, as stated in the foregoing affidavit of John Ussher, Esquire, that he found the church burning from the outside at the north-west corner, where there were a few shavings, that appeared to have been dropped in carrying to the fire; that on the vestry-door there was light wood, and also shavings, which had not ignited.

(Signed) JAMES D. SLATER.

Sworn before us this 14th September, 1839.

(Signed) JAMES CUMMING, J. P.  
SAMUEL STREET, J. P.

Enclosure 2 in No. 43.

(Extract from the Cobourg Star, 27th September, 1839.)

We are compelled to break off our extracts here, and also to exclude various other matters of interest (including a column or two of advertisements), to make room for the long and interesting trial of the prisoners concerned in the late conspiracy at this place; the four

Encl. 2 in No. 43.



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principal of whom, we are happy to say have since their conviction been promptly and safely conveyed to the Penitentiary. Their sentences are as follows :

Hart:—Seven years hard labour in the Penitentiary, and to give security, himself in 400*l.* and two sureties each in 200*l.*, for three years' good behaviour on leaving it.

Wilkins, Wilson and Baker :—Five years Penitentiary, and security the same as Hart.

The Elder Ash :—Six months' imprisonment in the district gaol, with a fine of 100*l.*, and to give security for three years' good behaviour, in addition, the same as the others.

The younger Ash :—Twelve months' imprisonment, and a fine of 50*l.*, security the same—three years.

The Assizes closed on Saturday morning last, when Mr. Justice Jones, and the Attorney General immediately proceeded by land to Port Hope, where a steam-boat was in waiting to convey them to Toronto.

### TRIAL OF SAMUEL P. HART AND OTHERS.

[(Extracted from the *Cobourg Star*.)]

Friday, September 13th. Before Mr. Justice Jones, assisted by the Hon. Messrs. Burnham and Boswell.

S. P. Hart, William P. Wilkins, Henry Wilson, William Baker, Joseph Ash, sen., and Joseph Ash, jun., were placed in the dock, charged with conspiring to murder Robert Henry Esq.; to enter the dwelling-house of the said Robert Henry, and to induce one Henry J. Moon to aid and assist them to rob and murder. The indictment contained seven counts. The prisoners pleaded not guilty. The prisoner Hart seemed unconscious of the situation in which he was placed, and behaved throughout with a great degree of levity. The two Ashes were accommodated with seats before the dock; the other three are strong, powerful looking men. Wilkins has every appearance of a desperado, and the loss of the right eye gives his face a peculiarly sinister appearance.

The following Jury were sworn :

John Betty,  
Thomas Webb,  
Edward C. Hull,  
Israel Humphries,  
Samuel Cooley,  
Joseph Swayne,

Robert Blomfield,  
William White,  
Peter Spiers,  
Francis Burnett, jun.  
Thomas Webster,  
Alex. Mellis.

Mr. Attorney-General opened the case by referring to that part of the Judge's charge which defined the various kinds of treason, and said that the crime with which the prisoners were charged did not affect their lives. Of all the attempts to violate the law of which he had ever heard, this was the most atrocious, the most cold-blooded; the very thought of it made the blood run cold, and retreat to the heart. One of the prisoners, long a resident in this village, had formed an attempt to take away the life of one of its most respectable and inoffensive inhabitants, Robert Henry, from whom, no doubt, he had often received acts of kindness. But true is it that the Almighty looks with an angry eye on the deeds of the wicked, and contrives to dissipate their plans; and happy had it been for Hart if he had attended to the various warnings of the last two years,—that that Almighty Providence had so often exercised his miraculous interposition to shield the innocent and destroy the guilty. It was horrible to think that he, the son of an old soldier, should conspire to imbrue his hands in the blood of innocent and inoffensive men, and endeavour to subvert the government of this country. And that Ash,—this old man—I do not like to look upon him,—that he, with the king's deed in his pocket for one of the finest farms in the neighbourhood,—who has been well known and hitherto respected, should league himself with such men, is truly horrible, and shews to what a state the demon of change and innovation has brought this once happy province. Gentlemen of the Jury:—It will be proved to you that their plan was to murder this old man (pointing to Mr. Henry)—this good old man, who he was sure had never done ought to gain the hatred of any man living. The learned Attorney went on to state the facts as they were afterwards proved in evidence. Gentlemen of the Jury:—Do you not see the hand of Providence in the bringing forth the evidence?—Moon had connected himself with their political plans, but when murder was mentioned,—when he found he was expected to become the midnight assassin—that virtuous feeling which the Almighty has planted in every bosom asserted its sway, and he, at the risk of his own life, determined to save that of others. That feeling may lie torpid—may be suppressed; but totally destroyed it cannot be. Yes, gentlemen, Moon came forward in obedience to its impulse, and, gentlemen, said the Attorney General, I honour him for it—I proclaim it, gentlemen, I honour him; and assert that, as the guilty sinner who repenteth deserves to be received into heaven, so does this man deserve to be received into respect by every loyal inhabitant of this province. I have heard his story, and assert that I believe every word he uttered. We will also produce two sailors, who were on board the schooner, and whose appearance here to-day shews something almost miraculous. It was deemed of some consequence to have the evidence of Sprague, for whose production we have made every exertion, and who, I am free to say, I believe is kept away by the guilty confederates of these designs. I sent Mr. Ruttan over to Rochester to carry to Sprague my written assurance that he should not be prosecuted. Mr. Ruttan, as he will tell you, by the merest accident, (chance I will not call it, gentlemen, for it was not chance, it was the interposition of God to detect the guilty) meets on board a boat the two men, who will now be produced, and who will corroborate Moon's evidence in a most singular way. I know the

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learned counsel for the defence will be instructed to impugn Moon's evidence; and by whom will he be instructed?—By Hart, gentlemen, who offered, for 300*l.*, to betray to the Government all the plans of his guilty associates. I have my hand on the letters from Hart, in which he offers to become Queen's evidence, and betray the persons who were leagued with them. Gentlemen, vice is always cowardly. These men, with these arms, lay plans of murder, to be executed in the dead of night, and quietly submit to be taken prisoners with these murderous weapons in their reach. Had these things taken place among those people and those institutions which they would wish to introduce here, do they think, can they think, that they would have escaped popular indignation, and after six weeks, quietly and peaceably, unhurt, untouched, be placed upon their trial before twelve of their countrymen, defended by the ablest advocate, and guarded by the sacred majesty of the British Law?

The learned gentleman described at full the law as regards conspiracy, and so closed his address, of which we have been able to give but a very imperfect sketch.

After the Attorney-General's speech the witnesses on both sides were ordered to withdraw, on motion of the prisoner's counsel. The first witness called was

*Mr. Sheriff Ruttan*—Was directed by the Attorney-General to proceed to the other side, in order to convey to Sprague a written assurance that he would not be prosecuted if he came over; saw Sprague, who said that he would come over, but that he had first to go to Oswego for some books. Mr. Ruttan proceeded to Oswego, and while on board the Express fell in into conversation with the captain, who mentioned that he had on board one of the men who had been on the schooner which took Hart and his party over to Canada.

[Mr. Ruttan was proceeding to state the conversation, when he was stopped by Mr. Boulton, who objected to anything being given in evidence which took place on the other side, unless some of the prisoners were present. This objection was overruled: the Attorney-General, however, waved the right to examine Mr. Ruttan.]

*Second Witness*.—Resides near Rochester; is a sailor; has seen the four prisoners (Hart, Wilson, Wilkins, and Baker); it was on board a vessel at Oswego: Hart came on board first; it was the latter part of July. Was one of the hands on board the schooner Guernsey, Captain Terry. Hart, on coming on board, spoke to the captain; they went below; did not hear any of the conversation. It was on Friday—the rest came at night. There were ten in all—the four prisoners at the bar and six others. We started for the head of the lake. After we sailed we found we had to go in a different direction. The captain said he had to go to Cobourg to land some passengers. Set sail after twelve o'clock at night; were going to the head of the lake for lumber. Next day saw several pistols and bowie knives, &c.—they had them at first in a trunk; saw them take them out and fire the pistols; were practising with them: had a great number; they had belts in which the pistols and knives fitted: they belted them on.

[The knives and pistols were here produced, and a formidable array they made; they seemed to strike with horror those who had not before seen them.]

One of the passengers—a tall man, I do not see him here—told me that we were now in their power, and should do as they said, or else we should suffer for it. None of the others were present when he told me this.

[Mr. Boulton objected that this could not be given in evidence, as the person alluded to was not present.]

They were all armed alike and appeared to act together. They said they were going to Cobourg, to murder a man who lived there, of the name of M'Cormack, who they said was Custom-house officer.

[Mr. Boulton objected to this evidence, as irrelevant to the charge, and objected particularly to the question relative to the murder of M'Cormack, as no fact can be given in evidence which is not laid in the indictment. Objection overruled.]

Their next object was to rob the bank, and if possible burn the town. They did not mention who was in charge of the Bank. They said they were going to rob a man who lived at the back of Cobourg; did not hear his name; he was a farmer; they said he had a great deal of money. Does not know whether any other than the tall man said anything about the murder. While they were on board witness observed some organization: Hart appeared to have been leader;—witness judged so from his general conduct while on board—he seemed to have a great deal to do in the matter. Six of the passengers landed three or four miles below Cobourg; this was after twelve o'clock on Saturday night; some of our men put them ashore in a boat; the four at the bar were of those who went ashore. The other four were landed at Whitby next night. After having landed all the passengers we proceeded to river Credit, where we took in our lading, and returned to Oswego, where the vessel was seized. Does not know of anything else having taken place on board. Observed some bottles, which they said contained spirits of turpentine, and several bundles of matches. James Stewart was a hand on board.

*Cross-examined*.—He has not been paid anything for coming here, but came willingly and freely.

*Attorney-General*.—When did you first hear of this trial?—Question objected to. The Attorney-General consented.

*Third Witness*.—Has seen the prisoners before: it was on board the Guernsey, of Genesee. They came on board at Oswego. The captain's name was Terry. I was a hand on board; saw them come on board; there were ten in all; did not at first observe anything except the ordinary travelling luggage, trunks, and carpet-bags. It was on Friday night they came on board; it was in July. Does not recollect the date; it was past the middle of the month. We left Oswego after twelve o'clock at night. There was very little wind when we sailed.



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and in the morning we had only got four or five miles from land. Saw them (the prisoners) after we ad got out on Saturday. They brought a trunk on deck, from which they took out pistols and knives which fitted into belts [identifies the belts produced]. They buckled the belts on to show how they were worn, and then took them off again. Heard Hart say he had lost his house and property, and had been driven from home, and that he was determined to have satisfaction. One of them said it was their determination to murder Mr. M'Cormick, to rob and murder Mr. Boulton, and rob the Bank, and some farmer; after they had done this, they were to go to the wharf, and if there was a vessel there, to seize it, and make their escape. They landed about six or seven miles below Cobourg: it was nearly daylight when they landed. I was one of the hands in the boat that took them ashore; there were six landed; the four prisoners landed, and two others, whom I do not see. When we got to Whitby, on Sunday night, we put the other four ashore there. I saw some bottles of spirits of turpentine and bundles of matches. Hart appeared as leader, and had a good deal to say.

*By the Court.*—The prisoners, while on board, loaded the pistols and fired them off. They appeared as if practising.

*By the Attorney-General.*—Did not see any one in command except Hart, who seemed to have a great deal to say. They had a large quantity of arms. Some arms were left behind after they had been set ashore. They were all armed when they landed—that is, they had on the belts, with the knives and pistols.

*Henry J. Moon.*—Knows the prisoners at the bar by sight. I know Heart personally—have known him two or three years. He did once propose to me to engage in some business. I had, during the summer, been working at a place called Nunda Valley, about fifty-five miles from Rochester. Having finished the job, about the 12th of July I came into Rochester, intending to come over in the steam-boat to Cobourg; found that the steam-boat had left, and went back to the country; returned on Monday, and as I was passing John Montgomery's boarding-house I saw Hart at the door. I had met John Montgomery once before, at the American tavern, when he told me he had escaped from Kingston, and that he was the person who had kept the tavern at Yonge-street, which was destroyed during the rebellion. Hart came and spoke to me; said he wished very much to see me, and asked if I had seen Powers; I told him I had not, as I had been for some time on this (the American) side, and had not been home. As the conversation was going on we walked up the street. Hart asked me if I wished to go into a money-making business; I said that I did, as I wanted some money very much indeed. I asked him what it was, and understood him to say, he was about getting a schooner, on which they were to put two pieces of cannon, and go skulking. As we were talking, a young man, whose name is, I believe, James Boswell, past, and asked Hart where he was going; he said he was going to New York. When Boswell had passed, Hart told me he said that to deceive Boswell, and that he was going to Oswego. He then asked me where I was going; I told him I was going home. He said he had some papers which he wished I would take to his wife. He said he wished me very much to return: I told him I would, unless business was brisker in Canada than when I left it. Hart then said, if I am not here, I will leave a letter for you at Montgomery's. While we were talking saw a man with green spectacles at Montgomery's door, Hart told me if I saw Carpenter to ask him if he knew where there was plenty of money. On my return home I saw Mrs. Hart at Tourje's. Tourje is a tin-smith. I delivered her the papers, from which I had torn off the cover. The cover was directed to George Perry. I tore off the cover because I wanted to see what was inside. It was a bundle of the Lewiston Telegraph. I handed the papers to Mrs. Hart. I set about doing some little repairs to my house, and, having finished them, I went into Cobourg on Saturday, and agreed to go to work for Dean, haymaking. On Monday I went to work, and worked till Wednesday. I recollect, in presence of John M'Carty, junior, and Chauncey Dean, I told the offer I had from Hart. On my going home on Wednesday, my wife told me Sprague had sent for me. On the day following—that was Thursday, the 25th—I went down to Cobourg; saw Sprague—shook hands with him.

[Mr. Boulton objected to any conversation between Sprague and witness being given in evidence. Objection overruled.]

We went into Sprague's wood-shed, when he told me that he had seen Hart, who desired him to give me a message, to go over to Rochester to meet him, and if he was not there to proceed to Oswego. He (Hart) had asked Sprague if he would tell me: Sprague said he would; but, added he, I did not tell him all I would say to you. I told Sprague I thought he (Hart) was injurious to the cause: Sprague agreed. We were about half an hour in conversation. Sprague did not say much about the matter. Sprague requested me to go over to Drew's with him. I believe is was some business about bail; Sprague had gone bail for Drew and wished to get himself secured. On the Sunday following my wife and I went over to Robert H. Williams;—he is married to my wife's sister. Williams and I went into the saw-mill and sat down on some boards. I fell partly asleep; the day was very warm. I was roused by Williams' boy coming in to say that a man on horseback wanted to see his father. Williams went out,—I followed; and as I passed them, heard Williams say, that's Moon. The man on horseback was the elder Ash. On hearing my name mentioned, I turned round, then Ash beckoned to me. I came back. He told me there were some persons at his house who wished to see me that evening. I do not know what time of the day this was; it might be about one; it was before dinner. After I had shaken hands with him, I was quite close to him; I then asked him who they were? he could not tell me, but said I should come and see. I then said, it is enough, I will go. I asked him into the house; he got off his

horse, which Williams took to put up. Ash and I went into the house, sat in the kitchen for a few minutes, then went into the square room. Saw Adolphus Liscome coming towards the house. Ash and I walked out. I again asked him who was at his house: he laughed, and said he would not tell me. We took dinner. Ash stopped for dinner. I asked Williams to let his boy go over for my coat, and also asked him for his horse, which he gave me; and I then told him to walk over home with my wife, and wait at my house till I came home. I told Ash I had better start a little before evening, and suggested that he should go one way and I the other: he agreed to it. I then asked him where he lived; he told me in a blue house about two miles below Cobourg. Ash remained at Williams's about two hours; I went on. When I came to the house I met Ash at the gate, who showed me where to put up my horse: he went and cut some grass for him. When I had put up my horse, I went into the house, and waited till Ash returned: he came in, and beckoned me to follow him: I did so. He then told me the persons who wanted to see me were at his son's. I followed him over across the road. He went to his son's door and knocked: the door was unlocked. The rap was a peculiar one, and in a way which I was well-acquainted with. The door was opened. When we entered the house, William P. Wilkins came forward and called me by name. I recollected he was the same person I had seen standing at Montgomery's door in Rochester, with spectacles on, while I was talking to Hart. I never had spoken to Wilkins before. Wilkins shook hands with me. Old Ash left us. The next one who came in (Baker) also shook hands with me. Hart came into the room, with whom I went into the kitchen, where we entered into conversation on the subject of the expedition. Hart told me what they had come over for; that it was their intention to rob Maurice Jaynes, a man who lives in the back concession, about two miles and a half from Ash's; that they also intended to rob the bank, to get what money they could. Our conversation at that time was short. Hart told me six had come over. I asked if Sprague had been there; he said no, but that they had sent for him. We then went into the room, where I was introduced to Lett and Wilson. When I first entered, Lett had come two-thirds of the way down stairs without a shirt. While we were in the room, we saw Asa Woolcott and his wife coming towards the house. We all ran up stairs together. I told Hart he was in great danger: he replied, not perhaps in so much danger as others. Hart and Wilson lay down on the floor, Wilkins on the bedstead. As we sat, Baker was on my left hand, and Lett on my right. We entered into conversation. Lett told me his name was Benjamin Lett; that he had cost the province about 6000*l*. There is a man, said he, pointing to Wilkins, who was an officer at Prescott, and for whose head the government would give a great deal. While we were whispering, Hart made frequent motions for us to be silent: we stopped, but commenced again immediately. They showed me their pistols, which I examined, and the knives: there was a trunk there, in which they kept them. Lett put on his belt: it contained four pistols and a bowie knife: he buttoned up his coat, and asked me if I could observe anything; I said no: he then told me such was his every-day dress when on the other side. They were all present then except Kennedy (whose real name, I afterwards discovered, was Owen Molson), who they said had gone for Sprague. The first thing I asked was, was Anderson with them? (I had known Anderson before); Hart said that was the reason he wished me to come over, as the upper party had no leader, but that Anderson had gone with them. We then began to plan how to proceed, and how we should escape. I advised them to take to the bush, upon which they appeared very angry, and said Hart had told them that there were persons on this side ready to succour them, and who would have a craft ready. Hart said that there were, and that they need have no fear, as a certain person had been seen walking from the wharf with another person. Hart did not mention the names of the persons referred to. They then said that they were going to Jaynes's. Hart then said that before he left the province he had gone to Maurice Jaynes's, to see where he kept his money; that the excuse he made was to get some money changed, and that Jaynes kept his money in a pail, in a churn, in the inner room, and that it could be easily got at. The name of the person who was to have the craft ready was not mentioned. The men said they must first see their way clear, and see Sprague about it before they undertook anything. We conversed as to the best plan for robbing Jaynes,—as to whether all should go, or only a part. Lett said he would go with another man, and do the job himself.

[The Judge took the evidence here, as if Moon had said that Lett named Baker as the one who should go with him. The difference is trifling, and of no consequence.]

I told them it would be a difficult matter to do it, as Jaynes' family would rally the neighbourhood; and suggested that they should make all the family lie down on their faces except one, who should show them where the money was. Some one spoke of the means to be adopted to carry off the money; I proposed a bag, to which Baker remarked, that will never do, as it would rattle through a bag pretty quickly. Lett proposed to call out the family one by one, and, as they came out, make them give up the money; but Baker said that will never do, as we tried the same plan at Taylor's, and Mrs. Taylor, having overheard the demand made from the others, had concealed the money in her bosom, and so they had got far less than they expected. It was decided that Jaynes should be first robbed, but the plan was unsettled on. They said the work could be done before bed-time, and that then they could get through all the business that night, and escape. After Jaynes they were to go to Mr. Boulton. As I had received notice from Sprague that the Boultons were to be cut off before January, I was particular in inquiring as to the fate of the Boultons. Boulton had served some paper on me, to get possession of the farm I lived on. I showed it. I was told not to mind, as, before that, the farm would be mine. I knew they had a great desire to get rid of both the Messrs.

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Boulton, particularly the younger, on account of the part he took at the Durham meeting in Cobourg. Mr. George Boulton has long been considered as an enemy to the people, and was to be made away with. The great object of the party was to rob. After this they intended to go to Henry's. Hart said he knew that Robins slept at Grigg's, and that no one would be there except the old man and his family. I asked him how they intended to get in. Hart said we will break open the door, and here we shall have to take the old man's life, as he keeps the keys always about his person, and would not give them up. This was Sunday night. Mr. Ash's family now came home from Cobourg, where they had been to meeting. We then took tea. All were present when the attack on Mr. Henry's house was mentioned, and all agreed. None of Ash's family were present. After tea, we went up stairs to lay plans. Neither Kennedy nor Sprague were present. It was dusk: the moon had not risen. I said I would go into Cobourg, and see Sprague; and said, as I might be known, and suspicion raised, I will put on Lett's coat and hat. Did so. Rode up to Cobourg; did not see Sprague; returned to Ash's. When I came back, Lett and Hart were in the kitchen running bullets by the store. Young Ash and a woman, whom I supposed to be his wife, were in the kitchen. It was now bright moonlight. Shortly after I saw old Mrs. Ash talking to Hart, while Lett continued running bullets. The sweat ran down his face. I went up stairs. Hart came up, and sent Wilson down to watch the gate. While Baker and I sat by the window, we saw a man, who Baker said was young Woolcott, talking to Hart. We were very near to them, and I overheard Woolcott say that his waggon was not ready. Hart and he continued in conversation. Hart afterwards told us that it was Woolcott, and that, if we put off the business till to-morrow night, Walter Woolcott would do anything with us. Some time after, Hart came up with Kennedy. I then asked if Sprague had come. Hart said he had. I then asked where he was. Hart said down stairs. Sprague came up; and, as he passed me, he drew his hand backwards across my face, after the manner of one giving another a slap, and said, what, are you here, too? Yes, said I, I am. We then again conversed over the matter. The plan of escape was changed; and Hart suggested to take Downer's schooner, which was then at the wharf. We were all present except Wilson, who watched the gate. It was next debated whether the men on board should be put on shore at the wharf, or to take them out some way, and then send them ashore in a boat. The latter plan was thought best; and it was determined to put the business off till the next night, when we were all to meet at Ash's. I asked Kennedy to ride my horse into Cobourg. Sprague and I went on foot. When we had got a little distance from Ash's, I asked Sprague, Are you going to join these men? Well, says he, I don't know; are you? I said I would not, as I did not like to be near Lett, who had fire in his eye, and would, I remarked, as soon murder me as any one else. We went on together. Kennedy was on horseback, and considerably a-head. I told Sprague I was going to enter a complaint against the men, and wished him to come with me to do it; he said, you must do it yourself: I said I would; I am not going to become a mid-night assassin, if I was a patriot. Just before we entered Cobourg we talked the matter over again: I told Sprague, you see this is going to ruin us; I feel sorry for the men, but it would be too bad to allow them to go on. Sprague said, you had better go and do it:—we then parted. I went home, and found Robert Williams there. Before I had left his house I told him to go home with my wife, and wait there till I came back, and I would tell what took place. I asked Williams to sit down, and I would tell him. I did so; and said, if this is reform, I am done with it for ever. Asked Williams to stay till day-light; did not feel safe, but was too proud to tell him I was afraid. I felt sick at heart after what I had seen: went to bed, roused up again; Williams had gone. Williams lives about three mile from my house. Before I went to bed I told Williams I was going to bring the men to justice. I was then employed in repairing bridges which had been torn down by the heavy rains. My wife did all she could to dissuade me from giving information, and told me my life was not safe, as they had persons friendly in the country who would murder me.

The next morning I went into Cobourg to set my men to work. Did so, and then went to see Mr. D'Arcy Boulton. It was between nine and ten o'clock when I saw him; told him I had something of consequence to tell him, and asked him if I could see him at twelve o'clock. Bid him not speak to me if he met me in the street. Mr. Boulton was going to the Town Hall. I met Sprague, which delayed me some time, as I was very anxious to get him to go to work, being suspicious that he would give information to Hart and his party. I had some business with Mr. Conger, about getting a man to come and help me to work. Met Mr. Conger and Mr. Boulton together. I asked Mr. Boulton what title he had to my land, as if he had not one, my title was good. He told me, if I would call at the office, he would show me. I asked this question to deceive Mr. Conger, and as an excuse for going into Boulton's office. I went there. Mr. McCarty was there. Mr. Boulton sent him away, making some excuse about business. This was about twelve o'clock. Mr. Boulton requested me to let Captain Clark know it. They then sent for Squire Benjamin Clark, to whom I gave a full account, described the men, and made an affidavit as to the facts. Saw Kennedy on Monday: took tea with him at Foster Sprague's. At half-past six I returned from work; went to Sprague's, where I saw Kennedy; when he came in, we all sat down together. After tea, Kennedy asked me to take a walk with him. We went into the garden. He seemed anxious to induce me to go farther into the garden: I did not think it prudent to do so, so refused. He said, I wonder whether it is found out, as if I thought it was, I'd lay my course. I told him I did not know how it could be found out. I told him to go down, and that I would follow. As I left Sprague's, I saw Kennedy going across the fields by the Seminary: he was going pretty quickly. I then went to Benjamin Clark, and told him now was the time to go. I went on before, and had got some length, when, seeing no one coming, I turned back. I

met Captain Clark and another person, with whom I went as far as Captain Boswell's gate. When I saw Kennedy, he was going on a good trot. I then thought Sprague had told him all was discovered, and I was very anxious to have Mr. Clark and his party go on, as if the persons escaped it would be thought I was deceiving, and I would have incurred the hatred of the friends of the prisoners. I stopped about ten minutes at Mr. Boswell's gate, and then returned alone to Sprague's. I stopped at Cotter's, and asked Boggs what the matter was. When I got to Sprague's, I met Henry McCarty, and Sprague and his wife, at the gate. I asked them also what was the matter. McCarty left. Sprague's wife advised him to go away: he appealed to me, and said, I leave it to Moon, he knows whether I should or not. I advised him not to go. I had a good deal of trouble in inducing the prisoners to put off till Monday night the execution of their plot. It was at night everything was to be done. Does not think that the party would have taken any life, unless to obtain money.

[The clear and explicit manner in which this evidence was given, carried conviction to the mind of every one in court that it was perfectly true.]

*Cross-examined by Mr. Boulton.*—Has never been concerned with Hart in this plan. Mr. Hart spoke to me at Rochester. I understood from Hart's language, that he was only building castles in the air. I had been putting up a frame for Deacon Messenger. I made fun of Hart's suggestion to Mr. McCarty and Mr. Dean, thought at first the matter had reference merely to reform. I was ready to join a political scheme. Sprague told me he had seen the man with spectacles. I was never ready to enter into any transaction with such men. Hart did not tell me anything about it the first time. Never saw Lett before to my knowledge. Do not know of what country the others are: have no opinion on the subject. If they were inhabitants of Cobourg or its vicinity I think I should know them. Had never seen a bowie knife previous to February last, when one was shown me: the knife now produced is a bowie knife. I never was willing to go into any plot to take away life. I had once joined in a political party. I had given up the hunter's cause some months, from the character of the persons I had seen engaged in it. Lett was a stranger to me.

[Witness here explained his expression relative to Lett and Baker going to Jaynes'. Witness's explanation agrees with the way in which we have taken it down.]

There are settlers near Jaynes'. Did not at that time know where the bank was kept. First became suspicious of Sprague relative to the Cobourg plot: I feared he would tell Hart. I was afraid I should be assassinated if Sprague got to Ash's before me. When Sprague and I left young Ash's, Lett and another man went out to sleep. Have no knowledge of the Ashes being concerned in the murder or robbery; had no conversation with them on the subject. The sworn Hunters have a particular knock. I was initiated as a Hunter. I always understood that a Hunter gave two knocks. Ash gave three—one, two,—three.

[A dispute rose here, as to whether he was obliged to give the knock. The Judge said he could not compel him, but said that witness had better do it; witness, however, declined.]

Witness said he had taken an oath not to divulge any of the secrets of the Hunters' Lodge.

*His Lordship.*—How comes it, then, that you did divulge them?

*Witness.*—It was to save life.

[This answer caused a great sensation in the Court.]

Does not know of any private signals belonging to the party who came over; I told Lett, if you commit these depredations they can follow you into the States, and the Government there would give you up: he said they dared not, as the people would not let them, and said he was not at all afraid.

[During the cross-examination, there had been a good deal of sparring between Mr. Boulton and the witness. The well-known talents of the learned gentleman for cross-examination failed to embarrass the witness in the least; nor could all his arguments detect the least contradiction. Mr. Boulton wished to draw the witness into a disclosure of the names of those on this side whom he had heard as belonging to the Hunters, and supported his argument that he could so do, on the ground that if witness gave the names of men of the highest respectability,—of some whom he even then had in his view, it would go a great way to shake his credibility with the jury. The judge decided the question could not be put. And here we may mention, that Moon never gave in the names, particularly referred to by Mr. Boulton: it was a weak plan of the enemy to give publicity to such assertions, and name Moon as the author,—thus hoping to weaken his testimony; but all failed.]

*Robert H. Williams.* I live near Moon, whose relative I am, as we both married sisters. Recollect old Ash coming out to my place; it was about the latter end of July. Moon and his wife had come over to my house: it was on Sunday, the weather was very warm, and Moon and I went into the saw mill before dinner. While here talking, Moon fell partly asleep; my boy came in and told me a man on horseback wanted to see me. Went out, saw old Ash. Why Mr. Ash, says I, aint you lost? No, said he, I am going to my brothers: Moon, who had come out of the mill, passed. Ash asked who it was. I said it was Moon. Ash said he had a message for him, and beckoned Moon back. Moon came and spoke to him; he was nearer to him than I. Moon and he talked very low. Ash remained at my house more than two hours: he took dinner. He and Moon had some private conversation. I went over to Moon's house with his wife to wait for my horse, which Moon had borrowed to go into Cobour. It was about half-past twelve, when Moon came back: he told me all that

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had taken place. I remained about twenty minutes after Moon came home: he said he was ill, and that he'd lie down: did so, appeared to doze. I left, it was nearly daylight when I got home: do not recollect Moon's asking me to remain: I stayed to get my horse.

*Cross examined.* Moon told me a week before the men came, that they had chosen him captain on the other side. He said the men were to come and get all the money they could, to see and stir up an invasion of the province. Moon never told witness that he and Anderson had robbed a man in the Prince Edward district. On being asked Moon's character, he said you may judge what it is; he was first a Methodist, then a Baptist, next an Infidel, and now a traitor.

*Court.* What do you mean by a traitor?

*Witness.* Why, that he has led men into difficulty and deserted them, and disclosed the cause of the men whom he had joined—he understood that Moon said he commanded a company of eighty men near this place—witness has never taken the oath of allegiance—is a British born subject.

*By a Juror.* Would you believe Moon on his oath?

*Witness.* From what I have said you may judge of the man.

[From witness's statements it was clearly understood that he (Williams) was a sworn Hunter.]

*D. E. Boulton* said, I live in Cobourg; got information relative to a conspiracy against my uncle and myself, and of an intended attack on the bank; it was on the 29th of July. A person (Henry J. Moon) met me in the street, and asked if he could see me at my office at twelve o'clock; he said, "What I have to mention to you is worth thousands;" his manner was very mysterious; he told me not to notice him in the street, or speak to him. I agreed to meet him at twelve o'clock; met him a second time, when he asked me about the title to his land (this was to prevent suspicion, as there was another person with me; I told him to come to the office, and I would show it him. I mentioned the circumstance to Mr. Charles Clark, and requested him to be near. Moon came to the office between twelve and one o'clock; he then told me, in a few words, the plan. There was some one else in the office, whom I sent away. I asked Moon if he had any objection to tell Mr. Clark of it; he said, no. We went over to Mr. Clark's store; went up stairs; sent for Mr. Benjamin Clark, who is a magistrate, and took Moon's deposition. In the evening I went down to Captain Boswell's, where I agreed to meet Moon. It was arranged that Hart and his party should be taken that evening. I waited some time,—nearly half an hour. Mr. Charles Clark came in great haste; I thought it impolitic to go with so few persons to attack Ash's house. Some others came on,—Mr. Manners (the young man), Mr. J. C. Boswell, Mr. Charles Ruttan, and some others. Clark and Manners went to the back door; J. C. Boswell, C. Ruttan, and myself, went to the front door; we had some difficulty in getting in. Mr. Boswell demanded entrance in the Queen's name. The door was at last opened by young Ash. When we got in, we saw Wilkins sitting in the kitchen on a chair; Mr. Ash was there. We took Wilkins. We had placed a guard round the house. It strikes me that Ash said there was no one in his house. Hart had no arms about him when taken. I desired Ash to bring down the other persons who were up stairs; he said there were none. Manners and I went up stairs; saw Wilson; secured him. Clark left us. Manners and I then went to look for arms; found several pistols and bowie-knives; in a cupboard we found another set. The arms were in the belts, in sets, with powder-flasks and bullet-moulds; they were taken out of a chest. Wilson stated the set found in the cupboard was his. Very shortly after our numbers were increased. Baker was brought over from the elder Ash's. We then went over to the elder Ash's, where we saw Mr. Clark and others. Found, up stairs, arms under beds, and in different places; some of them were said to belong to Lett; the knife had an ivory handle. Took some bullets out of Baker's pocket; helped to tie prisoners; brought them up to town. When the men were taken, young Ash said that they came to work for him. Wilkins said he was going to build a shed; Wilson and Ash both said that he was going to make hay. This took place about half-past nine o'clock.

*Jonathan Tremaine*—Was at the capture of the men; was not in the house; was outside; saw one of them attempt to get out of the window; believe it was Hart; think I called upon him by name, and told him to go back. Ash completely contradicted himself; at one time he said he said he did not know they were in the house till that evening or the evening before; he then said they were coming to work for him, to build a house. Did not know old Ash. Witness corroborated the statement of Clark and Boulton.

*Cross-examined*—The observation made by Ash was, that he did not know the people were at his house.

*R. D. Chatterton* stated facts as to arrest of Wilson; did not get down as soon as the others; there was very little difference; was one of the committing magistrates; the depositions were taken before him; they all signed except Hart, who refused to sign his; has seen Hart's writing; thinks the letter now produced is his; could not swear positively; rather thinks it is than it isn't; it is some two years since he recollects to have seen his writing.

*Cross-examined*—Was not in old Ash's at all.

*Benjamin Clark*—Was at Ash's a few moments after the prisoners were taken; was one of the committing magistrates. The prisoners gave the information freely. Is not acquainted with Hart's writing.

*J. C. Boswell*—Went to Ash's; found the door shut; called on the persons inside to open it, in the Queen's name; asked young Ash who were in his house; he said there was not any one; positively denied that Hart was there; was at the examination of the prisoners. This witness corroborates the evidence of the other gentlemen.

*Cross-examined.*—The Ashes bear a good character; are not likely to commit a robbery.

*Kenneth Mackenzie sworn.*—Was at the capture of the prisoners at Young Ash's; heard young Ash deny that any strangers were in his house. When the party arrived at young Ash's, three went round to the back of the house; John C. Boswell and witness, followed by young Mr. Ruttan, went to the front door. Witness put his hand to the door to open it: Mr. Boswell told witness to stop, till he would demand, in the Queen's name, to open, and deliver the prisoner within, which he did with a loud voice. The door was opened by the younger Ash. Mr. Boswell and witness entered; Mr. Ruttan followed. Mr. Boswell asked young Ash if there were any strangers in the house; he said no: witness replied immediately, "Yes, Mr. Ash, I heard the noise of many feet running up stairs before we entered;" witness also said, with a pretty loud voice, to Mr. Ash, if he would give up those persons peaceably, no harm would be done to himself or property; but if not, that they would play the mischief with both; said also that escape was impossible, as a strong armed force was round the house: he said this with a view of awing the persons in the house, in case their number might be greater than their party. Ash then said that some person was up stairs: Mr. Boswell asked the name: Ash said he did not know: Mr. Boswell asked if Sam Hart was in the house? Ash said no. Mr. C. Clark and Mr. Manners went into the kitchen, in a back door: Wilkins was there. Sam Hart soon made his appearance on the stairs. Witness immediately laid hold of him, in case he might have weapons concealed about him; took a quantity of balls, percussion-caps, a box of very superior matches, a pocket-knife, some keys, and a pocket-book, containing a scrap of paper, some tomato pills, 3½d. piece, and a copper, out of his pockets. Witness asked young Ash how he could tell such a falsehood as that he did not know the name of the persons in his house, as he must know Hart as well as his own wife. Ash said he intended to do so, but did not; heard young Ash say at one time the prisoners Wilkins and Wilson were going to work for him; at another, that they arrived in the night, the one previous; the last with Sam Hart, and entered his house: did not hear him say that he knew the other prisoners had arms. Ash seemed collected at first, but got a good deal agitated latterly; does not know anything at all about Sam Hart's handwriting.

*John Brady.*—Was present when the men were taken; old Ash was over in the hog-pen; it was after some persons were taken we hunted old Ash back, and gave him up. I do not know what he was doing in the hog-pen. I was outside; saw a man go along the top of the house by the back kitchen.

*John Herbert* corroborates Captain Clark's statement, and produced a bowie-knife, a pistol, a bullet-mould, several balls, some caps, and matches, all of which he found under a bed in old Ash's house: the old man held the candle while Mr. Clarke and I went up stairs; it was the second time.

*Charles Ruttan.*—Saw all the men taken except Baker and old Ash. When Hart was taken he said you are not the men we want, there are others; and we will have them too. Ash said Hart had come into his house altogether without his knowledge. Ash seemed confused, and prevaricated very much—at one time saying he did not know that they were in the house, at another that they were there without his knowledge, and at another time that they were going to work for him—corroborates J. C. Boswell's evidence.

*W. S. Conger.*—Is acquainted with Hart's hand-writing; believes one of the papers now produced to be in Hart's handwriting; it is very much disguised; has seen Hart write; and, though he could not swear positively to the fact, believes it to be Hart's writing.

*W. W. Boswell* cannot swear to Hart's writing.

*G. S. Boulton.*—Believes one sheet to be Hart's writing; one is disguised too much to be easily sworn to.

[The following are the letters. We insert them, although not given in evidence, as there was no doubt of their being in Hart's writing.]

*"Sunday morning.*

"Dear Sir,—Enclosed is a communication, such as I supposed you wished. It may not be frank enough for Arthur, but as far as he is concerned I care not, for I hate him; and if I approved of the plans which are laid by the Patriots he might wait till his death, and then never see a scrap of a pen from me. But I desire a change upon honourable principles; and when such a time comes that honourable men take hold, I am with them again, as I have been before, true as steel. For the benefit of honourable Tories I offer my services, and to secure the office in order that I may have the means of supporting an aged father and a wife and child. I bought this office, and agreed to pay one thousand dollars for it. The executive are responsible for the payment of the money, one instalment of which is now due, or will be so when I print the next number, being the last number of the second volume. I had nothing left when those villains at Belleville destroyed my office, consequently I shall have to call upon the executive for 50*l.* (two hundred dollars) to meet this payment, unless I get it from you. And if I take their money I shall have to swallow an oath which will prevent my being of any service to you. So you perceive why I press for 50*l.* now. I have no doubt that, upon your recommendation, Arthur will forward the money; indeed it is so trifling that it under-rates the value of my services. But, as I have already remarked, I do not seek money. I ask you, what would have been three hundred pounds to your brother if he had lost his steamer "*Tra-veller*?" And there was he in Rochester, endeavouring to get information, while I was there, and Johnson, with his men, and a plan laid to take his boat. We were on board, had two cases of pistols, swords, dirks, combustibles, &c.; and after going to the mouth of the river, I persuaded Johnson, who was at the mouth of the river, to abandon it. Had I desired money, how easy I could have had it then. I trust, therefore, that if you have any wish to procure my aid, you will send me over two hundred dollars on Monday, to preclude the necessity of

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Encl. 2 in No. 43.



No. 43.  
 Sir George Arthur  
 to the Marquis of  
 Normanby.  
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my calling upon them, and this is the only object I have in pressing for it, and for the remainder, before I start for Albany, as I shall then be untrammelled by oaths of such a nature as to forbid my uttering a word to friend or foe.

"I remonstrated against doing your late brother's family any injury, last night, in such a manner as I think will prevent it. There is one man, however, at Youngstown, by the name of —, who has played spy to both parties, and I feel afraid his days are few; but it is of no consequence, as he cannot get into the new one. Such low creatures are unfit for the business, and I have to request that such characters are never sent to me, by reference or any other way. I know every one of them, as we have men in every town, who are appointed by myself to watch the conduct of the members in the old association, and such as are fit for the new they report to me, and I to the president of the lodge. You will understand that we keep up two lodges. We are on sure ground this time, but an unfair one.

"The executive will not know but that I have received the sum from my subscribers.

"Yours, &c.

TELEGRAPH.

"P.S.—If a communication had not passed between Arthur and yourself, I should have preferred to have only offered my services to your brother in preserving steam-boats, and then I could have done with 50*l.* as a loan. You can now act your pleasure whether you forward the enclosed or not; but I must have the 50*l.* to-day, or else I shall have to apply to the Buffalo fund for it, so as to meet the payment due this day.

"Does your brother — attend the opening of parliament? Some M.P.P.'s are to be assassinated, in order to create disorder in Toronto, and a call in of the troops, by which means they will obtain a chance to effect a landing.

"Your note, dated February 15, only came to hand Saturday night. Where could it have been detained?"

"*Lewiston, February 14, 1839.*

"SIR,—I have received a letter from Albany, of which the following is a copy of a part.

"I am directed to notify you to attend a convention at this place, for the 25th instant, to take into consideration the best method of destroying the Canadian steam-boats on Lake Ontario, as early as practicable; also, to learn from you what assistance has been promised us in Canada, in regarded to carrying out our plans for assassination. You will be careful to avoid any conversation with —, as he is suspected."

"I have only to remark, that I shall attend this convention, at which, I am informed, there will be the various leaders; and if the Canadian Government wish my services, they must forward me three hundred pounds before I leave here; this being the sum which I am liable for the "Executive" for my establishment, and which I would only require as a loan, until I have given such information as shall be of more value than money, and shall have preserved many lives.

"With regard to those men I mentioned, upon reflection I think they could return in safety, as they are not excepted in the general amnesty.

"Unless my terms are accepted, our correspondence must drop, unless I should hear of anything which particularly concern yourself or family, when you may depend upon my assistance, and I shall rely upon your confidence.

"I am, &c.

"P.S. There is a leader here from Quebec."

The elder Ash, in his examination, stated that he remained at Williams's house only a quarter of an hour, and that he told Moon Hart wanted to see him; in other respects he fully corroborated the evidence of Moon, as did also Hart and Wilkins; the former of whom refused to sign his examination, but acknowledged before the magistrates that it was taken down correctly; he stated in addition, that they landed near Mr. Evans's farm. Baker contradicted the statement of the others: his account of himself is so absurd that we give it. He states that he is a native of the United States, and came over to Canada to see his mother, who lives down back of Colborne; she is married to a man named Benjamin Weddfield. He came over in a schooner; left the Niagara river in said schooner on Friday last (July 16), and landed at the first port below this (Cobourg) on Monday morning; took him from that time until the evening to come to the house where he was taken last night. Does not know Hart; does not recollect the name of the captain of the schooner; brought no arms with them; saw no man in the house he was taken in but the old man, and a man whom the girls called brother-in-law; was going to work for a few days in the neighbourhood, and then thought of going to Chippawa, where he had a brother living last winter. Explains that he inquired for his mother as he came up the country, and that the people told him she lived up; passed through no village on his way up; should think it was about eighteen or twenty miles from the place where he landed to the place where he was taken. There was a sort of platform where we landed. There was one or two beside him on the schooner; altogether on board there were, including crew, seven persons. In addition to the above, the said Baker says that the coat he has on is his own, and states that the bullets and percussion-caps, which were found in his pockets last evening, he brought with him from the other side, explaining that he had been out hunting before he started with his cousin, George Patrick, and had not taken the bullets out before the schooner started.

*Captain Charles Clark.*—Heard on Monday, July 29, that a party of men, under Samuel Hart, were concealed in the houses of the two Ashes, armed with bowie-knives, &c., with intention to attack the town that night, murder the Messrs. Boulton and Mr. Henry, and also to rob and murder one Maurice Jaynes of Hamilton; arranged a party for their capture, but subsequently, hearing that one of the party had left Sprague's, to give the rest information

that the authorities were on the look out to capture them, hurried down with Mr. Robert Manners and four others only. On arriving at the younger Ash's, where the greater number of the conspirators were understood to be, went to the back door and burst it open; on entering, saw the man Wilkins in the kitchen, and made him prisoner. At this time, the others were at the front door knocking for admittance; saw the younger Ash come down stairs and hold the front door to prevent their entrance. Called to him, that if he did not open the door at once he would blow his brains out: on which he opened it, and admitted Mr. Manners and the others; demanded of young Ash where the men were concealed, and told him to fetch down Hart and the rest, or they would fire the house; on this Sam Hart came down stairs and gave himself up; seeing these secure, started with Mr. Tremaine to the elder Ash's; saw old Ash and Luke standing near the fence; asked Ash if he had any armed men in his house, or any men at all? He said there were none but what he then saw; told him he would not take his word, and demanded a candle to search the house; went up stairs alone, Tremaine having returned to young Ash's. In an upper room found the prisoner Baker; secured him: took him to young Ash's, and delivered him to the charge of the party there. Returned to the elder Ash's and searched the house a second time; found a quantity of bowie-knives, pistols, &c., between the bed and mattress, upon which Baker threw himself when found. [This evidence is our of place; Captain Clark having been examined immediately after Mr. D. Boulton.]

This closed the evidence for the prosecution.

Mr. Boulton defended himself from the imputations cast on him for defending these men. He did not defend the crime of which they were accused; he stood there to give them assistance, and to see that they were not wrongfully convicted. He endeavoured, with all his powers, to eradicate the impression which the evidence of Moon had made on the jury; remarking in very strong language on the story told by him, and laying down certain principles in law. We have no note of his speech, but if able to procure anything like an epitome thereof, we shall publish it. He then called Robert H. Williams to prove that Moon had offered him money to join the Patriots. The Attorney-General objected, and the judge refused to allow him to be recalled.

#### *Evidence for the Defence.*

*Samuel Stevens.*—Is acquainted with Moon; has known him eight or ten years; his general character is not very good for truth or veracity; should not believe him on oath.

*Cross-examined.*—I have been eleven years in the country; have resided all this time in Belleville; Moon never resided in Belleville, but in Ameliasburg; have not known him for two or three years; have heard of him from other people; cannot say whether I should know if he were a Patriot; it is three years since Moon left Ameliasburg; I have had a difficulty with his brother, who arrested me for breaking into his barn; I was arrested on a charge of treason last winter.

*Jacob W. Byers.*—Has lived in Belleville; knows Moon; should not believe him on oath.

*Cross-examined.*—I have been personally acquainted with him six or seven years; Moon lived in Ameliasburg, which place he has left three years, since which I have only seen him once; has never been arrested for treason; was at home all winter; saw Moon in Clark.

*By a Juror.*—Did you not keep out of the way of the authorities last winter?—No.

Did you not go back among the Indians?

(Witness hesitated.) I went back, but not among the Indians.

*J. C. Bush.*—Has been acquainted eight or ten years with Moon; lived in Ameliasburg; does not think Moon is to be believed on his oath in a court.

*Cross-examined.*—Moon has not resided in Ameliasburg for three years; I have had a quarrel with him.

*Nelson G. Reynolds.*—Is acquainted with H. J. Moon; his general character is notoriously bad; does not think he is to be believed on oath.

*Cross-examined.*—I am the person who was accused and tried for high treason, but was momentarily acquitted.

[This witness was evidently prepared to show spirit, and his indignation was beautifully ridiculous.]

*William Williams.*—Lives in Hamilton; knows very little of Moon; knows, in fact, nothing about him; never had any dealings with him; knows nothing of his being an infidel.

*Mr. Lyman.*—Is acquainted with Moon; has known him three or four years; of his general character for veracity cannot say anything; would believe him as soon as any man he knows, upon his oath.

*Nathan Williams.*—Lives in Coburg; is not much acquainted with Moon, or his character, except by hearsay; knows nothing of him personally; does not know anything of his being an infidel.

*The Hon. H. Burnham.*—Has known the Ashes for some years; has known the elder Ash forty years; has not known the younger Ash so long; always thought them quiet, honest, industrious men; his opinion has been, however, much changed by late circumstances.

*The Hon. W. Boswell* gave nearly the same evidence.

This closed the defence.

The Attorney-General replied in a most feeling and eloquent address.

The Judge having summed up, the jury retired, and in a few minutes returned a verdict of "Guilty" against all the prisoners. Next morning the judge addressed the prisoners, on passing sentence, in nearly the following words:—

"All you, after a long and patient trial, which lasted nearly seventeen hours, have been found

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guilty, by an intelligent jury, of a conspiracy. Your defence was conducted by the great skill and ability of an able counsel; I may say the ablest counsel in the province. Conspiracies are of rare occurrence in this, till lately, happy province; a conspiracy formed for such enormities as that for which you now stand convicted, is seldom heard of in any country; I may say that I have but seldom read or heard of any that surpasses it in atrocity. You have conspired together to commit the highest of human crimes—murder, robbery, and arson; your designs of wickedness were conceived with a deliberation and coolness that appal the human feelings. You, beyond doubt, in the first instance resolved to murder Mr. Henry, an aged and worthy man, who never did any of you the slightest injury, but probably extended acts of kindness to some of you; you resolved to rob the Bank, and to burn it, as well as to destroy all the inmates of the house, if this was necessary to carry your dark intentions into execution. You have carried with you bowie knives and other weapons of death, which were exhibited at your trial; they are truly frightful to look upon; fit weapons for assassins indeed! Assassin-like, you have chosen the night to carry on your wicked and dark work of destruction. You have been concealed in the house of the younger Ash, lying in wait for your prey. A mysterious interposition of Providence thwarted your horrible designs; a knowledge of your intentions came to the authorities at Cobourg. An individual, Moon, who has acknowledged himself to have been your sworn associate in political crimes, or in what is called the Patriot cause, hesitated when he heard of your resolution to murder innocent individuals, to plunder their houses; to his honour he has made your intentions known, as well as your place of retreat, where you were captured, by a smaller number of men than your party consisted of. You have acted, as assassins invariably do, cowardly; you had not the heart to offer open resistance; your intentions were to murder in the dark such as could offer you no resistance. The men who took you acted like brave men indeed; few in number, but full of courage; they have acted as brave men do; they have offered no violence to you; they delivered you up to justice; they have not committed excesses; they have not treated you as you would be treated, under less aggravating circumstances, in the land you have just left; no lawless or summary punishment was attempted to be inflicted on you.

“You, the older Ash—Oh! I can scarcely find language to address you as I ought. An old man, almost on the verge of the grave, the father of a family, and in good and comfortable circumstances; you have borne a good character before; it is truly lamentable to see you standing here this day, convicted of such an infamous crime. You have harboured and countenanced men bent on executing the most diabolical purposes; you have, to all appearance, acted in concert with them; you have been the channel of communication between them and Moon, while they supposed that individual to be of their own wicked number; you went on the Sabbath-day to inform him of their arrival at your son’s house. Your own statement is contradictory, by no means satisfactory. It is painful to me, indeed, to see a man of your years situated in so disgraceful a situation.

“You, the younger Ash, have brought yourself into a situation that is truly deplorable. You, a young man, who, it is said, made always a great profession of religion! Your conduct does not argue to have borne much under its benign influence. You have, on the Sabbath-day, gone to a place of worship, and left assassins, men who intended to murder and rob your neighbours, sheltered and secreted in your house. You had seen the arms,—this you acknowledge: it is impossible that you could have been ignorant of the atrocious deeds contemplated by those desperate men. You say you intended to go to the authorities;—this you did not do, nor anything else that would show in the least your horror of the conduct of the men whom you secreted. You and your father have borne good characters before this time. You have commenced, as Reformers, to become discontented; then identified yourselves with rebellion, as is evident from your connexion with the Hunter’s Lodge; your minds got astray; political vindictiveness made you lose sight of your moral duties; from one step to another you have brought yourselves to the disgraceful situation in which you now stand. Your conduct and folly ought to warn others, as I trust they will. Every man has an undoubted right to enjoy his own opinions, and to express them on proper occasions. Every man has a right, if he believes the laws defective, and wrongs to exist, to endeavour to amend and improve them; but no man is justified in resorting to violence, bloodshed, and murder, to accomplish such an end. A good man would never, for one moment, shelter men such as you had under your roof, nor give them countenance for one minute.

“You, Wilkins, Baker, and Wilson, have been engaged probably in what is called the Patriot cause; you are natives of the United States, or at least lived there the greatest part of your lives; you have come to this country, and for what? To murder and plunder individuals who never did any of you the least injury; whom you have never seen. You were connected with those lodges—the Hunter’s Lodges—avowedly established to effect a change of government in this province, and to reform our laws. What right have you to endeavour to effect this? Why don’t you stay at home, and live under your own boasted institutions and laws? And would it not be better for those in this province, who encourage you, to sell their property, and go to live there also? Better far to follow such a course, than molest the peaceable inhabitants of this province with your lawless expeditions and incursions. You have no kind of interest in the province; the inhabitants want you not; they are better judges of their own affairs than you can be; they do not interfere with you. The fair and impartial trial you have had here, and the defence made, and the treatment you have received since you were captured, may indeed dispel the illusion you have been under; and, if you live to return to your country, keep at home and live a more virtuous life, and leave the people of this province to manage their own affairs. You are young men: it is lamentable to see you engaged in such dreadful undertakings as have been clearly proved against you.

"Samuel Hart, you, I believe, are the son of a man who was a soldier in the British army—who is now an old man. You were born in this country, or lived in it for the greater part of your life. You must be a person of some intelligence, as you conducted a public paper in this province and in the States. You were perfectly aware that the statements you were making regarding oppression were false. That you were a leader on the present occasion is evident. You have been actively engaged in the Patriot cause, and connected with the lodges; your conduct was reckless and abandoned beyond description. You have been planning the most atrocious and inhuman deeds; nothing was too much for you to do. You find fault with Moon: your defence was founded on the incredibility of his evidence; you have endeavoured, through your counsel, to destroy his character by witnesses; you have endeavoured to make him appear not only as a traitor to his country, but also to your cause. You yourself offered, for money, to become a traitor to the cause of the Patriots—a cause, as you said, you were disgusted with; you have offered, for the sum of 300*l.*, to disclose the plans of the Patriots, and to divulge all the secrets of the lodges. A letter, in your own hand-writing, proves this; I have the letter here, and you know that. What will be thought of such a character as you are? The plans of assassination, plunder, and destruction you formed, are of the most horrible nature. Moon, whose character you wished to destroy, has done much good; he not only saved several innocent individuals from a bloody and violent death, but he, in all probability, saved yourself and your confederates from the gallows. You undoubtedly would have committed some dreadful overt act, and in all probability have been taken before you could have escaped, and, instead of being tried for a misdemeanour, you would have been tried for felony for your lives. Moon's testimony, in my opinion, bears the air of truth; and I feel bound now, as the trial is over, to say that I believe it. The testimony of Williams, who is evidently no friend of Moon, corroborates much of it, and that of the two mariners equally agrees with it.

"It now remains for me to pronounce the sentence of the Court on you all. The Court is of opinion that a greater amount of punishment ought to be imposed on you, Samuel Hart, than on any of the rest. Your conduct throughout was so wicked, and your attempts so desperate, knowing, as you did, from your better intelligence, the falsity of your statements, and the enormous nature of the crimes you were about to commit yourself, and induce others to commit. There is no doubt on the mind of the Court but you were the means of leading these men to their present situation of guilt and crime."

[The Judge then pronounced sentence on the prisoners, as published in the last "Star."]

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to the Marquis of  
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## ORANGEISM.

*From the Commercial Herald.*

### ORANGEISM — COUNTY OF YORK.

A meeting of the Orangemen of the counties of York and Halton was held at Montgomery's Inn, Dundas-street (nine miles from Toronto), on Friday, the 13th inst., at which were present several grand officers of the Grand Lodge, as well as the county, district, and lodge officers in both counties.

Encl. 3 in No. 43.

James Chambers, Grand Master of the county of York, was called to the chair.

The Lodge being opened in due form, the County Master stated that the meeting was convened at the request of the Right Worshipful the Grand Master, in order to hear certain proceedings adopted by the Grand Lodge at its last meeting, and also certain opinions promulgated by the Grand Master upon the subject of responsible government.

Despatch No. 6.

The Right Worshipful the Grand Master then addressed the meeting at some length, in opposition to certain measures of the local government of this province.

A motion was then made by Mr. Brown, County Secretary, and seconded by Mr. Kerr Master No. 4, to the effect that the Grand Master's opinions in favour of responsible government, were not in unison with the opinions of the meeting, and ought not to be supported.

This resolution was met with an amendment from Mr. Ashfield, District Secretary of Toronto, and seconded by Mr. Philips, P.M., of Lodge No. 142, to the effect that the Grand Master be heard, and the whole of the original expunged.

The amendment being adopted, and the original resolution rejected, the Grand Master proceeded to address the meeting at great length in favour of responsible government, but repudiating and condemning Lord Durham's principles, and every proposition that could lead in any manner to separation or republicanism, and concluded by moving the following resolution, which was seconded by Major Elliott, M.P., and passed with two or three dissentient voices only.

Resolved,—That we entirely eschew, condemn, and repudiate every doctrine, opinion, and sentiment expressed or written by the Right Hon. the Earl of Durham, in his Lordship's Report on the state of these provinces; so far as the said Report in any way upholds or advocates elective institutions, or any species of democratic notions; repugnant to the principles of our glorious constitution—a constitution which, under all circumstances, we are resolved to maintain—that we equally repudiate the government of any faction in the colony; but are determined to resist the sway of radicals who seek in any manner, or under any guise, to impair our venerable institution or withdraw from the essence of the British constitution.



## COUNTY OF SIMCOE.

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A meeting of the County Grand Officers, District Officers, and Masters of Lodges, with a large number of the brethren of the county of Simcoe, was held at Bond Head, in West Gwillimbury, on Saturday, the 14th inst., at two o'clock, at which the following resolutions, after much discussion, were unanimously adopted:—

Resolved,—That however this meeting, or any other loyal men, may differ upon the question of what is called the responsible government, no difference can exist between any loyal men upon direct or indirect revolution, democracy, or treason, in any shape or under any name in which they may present themselves; and this meeting cannot too highly condemn and repudiate every sentiment, feeling, or principle contained, expressed, or implied in Lord Durham's Report on the state of these provinces, so far as they, in any manner, or under any guise or pretext, lead to a separation from the Parent State, or to unite with any party or persons, whether republicans, rebels, or others, whose object in numerous instances seems to have been to overturn our constitution and destroy our connexion with the empire of Britain—a constitution which we are resolved, one and all, to maintain and support.

Moved by Captain Armstrong, seconded by Lieutenant John Ginty:

Resolved,—That we entirely approve of the proceedings of the Grand Lodge, in preventing our great and glorious institution from being perverted from the maintenance of the Protestant Religion, the support of the Constitution, and the preservation of the connexion with the Parent state, into a mere cabal, for the support of any faction in this colony; and we trust the Orangemen of this great county will, with the rest of their brethren throughout the province, be ever ready to step forward to resist the manifestly improper and unwarrantable acts of the executive on the one hand, and the equally improper and unwarrantable approaches of republicanism on the other, and that, keeping steadily in view the principles which governed their immortal ancestors, under the guidance of the great and good King William, they will still persevere in opposition to every man, and to every measure, opposed to the Constitution under which they live, and which, at all hazards, we are determined to maintain.

Moved by Doctor Orr, seconded by Mr. Ginty, jun.:

Resolved,—That we cordially approve of the missionary scheme, as proposed and explained to us by the Right Worshipful the Grand Master,—that we also approve of his suggestions touching the future collection and management of dues—and the several other matters which he has thought proper to submit to our consideration this day, as emanating from the Grand Lodge, for our opinions thereon.

Moved by Mr. Ginty, jun., seconded by Captain Armstrong:

Resolved,—That this meeting places the fullest reliance in our Right Worshipful Grand Master, Ogle, R. Gowan, Esq., M.P.P., and that we not only feel truly grateful for the zeal and devotion he has ever displayed in support of the loyal Orange cause, but also for the frank and manly explanation given us this day, condemnatory of many of Lord Durham's leading principles, and of the faction, at home and abroad, by whom they are supported.

Moved by Francis Hewson, Esq., seconded by Thomas Manning:

Resolved,—That the thanks of this meeting be returned to Captain Phillips, of the township of Toronto, for his manly conduct as evinced in his reply to his Excellency, the Lieutenant Governor, requesting him to use his influence, as a magistrate, to prevent the celebration of the 12th of July, and to suppress Orangeism.

Moved by Joel F. Robinson, Esq., seconded by Captain Armstrong:

Resolved,—That a select committee be appointed to promote the interest of such candidates for the representation of this county in Parliament, as can be depended upon to carry out the spirit of the resolutions this day adopted, and that the following gentlemen, with liberty to add to their number, do compose said committee:—J. W. Dewson, J. O. Orr, G. Donwoody, John Ginty, J. Manning, F. Hewson, L. R. Algeo, T. Hayes, C. McVittie, J. Mulock, and W. Graham, sen.

Moved by Major Algeo, seconded by S. Duff.

Resolved,—That the proceedings of this meeting be printed in the Statesman, Church, and Commercial Herald newspapers.

Let us now point a little attention to these official accounts. The letters signed "One present at the meeting," and "An Orangeman" throw a little light on the Etobicoke affair, and in addition, we have just received the following:—

TO THE EDITOR OF THE PATRIOT.

SIR,

Toronto, September 20, 1839.

In yesterday's Commercial Herald, is reported a meeting of Orangemen, held at Mr. Thomas Montgomery's Inn, Dundas Street; headed Orangeism—county of York—and contains in that Report the pretended substance of a resolution, proposed by me, which is false; it having been cut and carved by Mr. Gowan, and is published in the Herald, as follows:—

"A motion was then made by Mr. Browne, county secretary, and seconded by Mr. Kerr, Master No. 4, to the effect that the Grand Master's opinion in favour of responsible government, were not in unison with the opinions of the meeting, and ought not to be supported.

Now, Mr. Editor, as I do not wish anything to appear in a public journal, where my name

is mentioned, which is not true—I give my resolution to show to the public that it is different from the above as reported by Mr. Gowan.

“ Moved by John Browne, Grand Secretary, county of York, and seconded by William Kerr, Master of Lodge No. 4,—That it is the unanimous opinion of the Orangemen of the county of York, that it is not in unison with their principles that Ogle R. Gowan, on account of the steps he has taken, relative to the Durham responsibility, remain as head over such a great and glorious association.”

Sir, by giving publicity to the above, you will show to the public the true resolution—and confer a favour on your obedient servant.

JOHN BROWNE.

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“ One Present”—it will be seen, fully bears out Mr. Browne. Heaven forefend! but, murder should out!! Who has been the garbler? As our worthy friend Sir Allen says, “ We should like to know.” Enough for the present of the Etobicoke affair. Now for the Bond Head business.

We have received from Bond Head a copy of a resolution, moved by Captain Arthur Armstrong, which, we are informed, passed with only one dissentient voice, and that Mr. Ogle R. Gowan’s. We see not this resolution in the official account. It is in the following words:

Resolved,—That this meeting hereby pledges itself to support at the next general election, such candidates, and such only, as can declare themselves opposed to the principles of Lord Durham’s obnoxious Report, and shall be prepared to uphold the same by every constitutional means in our power.

We are informed that Mr. Gowan tried to explain his plan of Responsible government, but that the meeting indignantly repudiated his notions, and emphatically declared, “ one and all,” that they would resist to the last, every effort of rebels, Radicals, and Durham-ites, to impose on the country their “ Responsible government,” which was meant for nothing more nor less than to bring about a separation from the Mother Country. We would beg to observe, that we set down no fact, but as it is handed to us; but we unhesitatingly declare our thorough confidence in our respectable informants. We are ready to hear and publish Mr. Gowan’s explanation. We thought it would show monstrously odd if, with his little finger, Mr. Gowan could twist the strong minds of 20,000 loyal Orangemen, to any special purpose of his own. We know that in some portions of the province many loyal men were greatly alarmed at the repeated threats of Mr. Gowan, foolishly enough thinking that the 20,000 were at his beck. We entertained no fear on the subject, because, thinks we to ourself, we know of our own knowledge, that Mr. Gowan reckons without his host; and so it proves. No Damascus steel was ever truer than the Orangemen of this province will prove to their Sovereign and country, in the struggle that is about to “ try mens’ souls.” Let us here remark, that we have heard an Orangeman who was at the Etobicoke meeting, say, that the alleged garbled resolution, as it appears officially in the Commercial Herald, might consistently be assented to by the vilest rebel traitor in the land; and we have heard that Mr. Gowan’s friend, Mr. Reformer Hincks, has declared, that with all his heart he assented to it himself.

We now take the pleasure to present some Resolutions of an Orange Lodge at Dunville.

Resolutions unanimously passed by the Members of the Orange Association, of Lodge No. 161, at Dunnville, in the county of Haldimand, in the District of Niagara and Province of Upper Canada, on the 12th September, 1839.

1st. Resolved,—That the members of this Lodge are, from inclination and principle, firmly determined to support the constitution of this province against the innovations now attempted to be introduced into it.

2nd. Resolved,—That it is with great regret we are under the necessity of thus publicly discountenancing the views taken by Colonel Gowan of “ Responsible government,” in the Statesman of the 27th ultimo, and we unanimously disapprove of them.

3rd. Resolved,—That we invite our brethren throughout the provinces to consider the matter in its true bearing, namely, separation from the mother country; and we feel convinced that they will, as heretofore, unanimously agree with us.

4th. Resolved,—That the feelings of loyalty and attachment to our revered institutions, in which the association has always prided itself, will materially lessen the boasted 23,000 of Col. Gowan’s followers, we cannot bring ourselves for a moment to doubt; and our only desire is, that every Lodge in the province may follow our example, in deprecating and opposing any measures that may bring about the distracted state of things desired by the responsible men.

5th. Resolved,—That this Lodge will feel obliged if the Niagara Chronicle, Reporter, Toronto Patriot, and all other constitutional papers, will insert these resolutions in their respective publications.

(Signed) ROBERT GOLDIE, Acting Master.  
DAVID PRICE, Secretary.

To the EDITOR of the PATRIOT.

SIR,—You are charged with garbling a copy of a resolution said to be proposed by O. R. Gowan, Esq. and seconded by Major Elliott, at a meeting of Orangemen of this district, held at Montgomery’s Inn, Etobicoke, on Friday, 13th September. Having been



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September 27th, 1839.  
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present at said meeting, I beg leave through your columns, to say a few words in explanation:—when Mr. Gowan read the resolution, the middle part of it was objected to. He was charged with an attempt to throw dust in the eyes of the brethren. The consequence was no person seconded it. It was not even read from the chair. Mr. Gowan read it in a hurried manner and kept it to himself. It was not given to the Secretary to preserve with the other appers of the Lodge. The truth of the matter is, it was discarded, as it had a double meaning; for while it condemned Lord Durham's report on the one hand, on the other it went to show the public that we had no objection to Mr. Gowan's new doctrine of responsible government. In this stage of the business a motion was made to adjourn, when Major Elliott said he would second the top and the bottom of Mr. Gowan's resolution, which was carried unanimously. Mr. Gowan says in his account of the proceedings, there were two or three dissentient votes: there was not one to Major Elliott's proposal, except it might have been Mr. Gowan himself.

AN ORANGEMAN.

Toronto, Sept. 23, 1839.

To the EDITOR of the PATRIOT.

SIR,—It would appear from the following article, published in the Examiner of the 18th, that its Editor was in the full confidence of the assumed head of the Orangemen of the Province. Mr. Hincks says, "a garbled copy of a resolution, proposed by Lieut.-Col. Gowan at a recent meeting of Orangemen in this district, has been published by the Patriot. We have not seen the resolution in its proper shape, but we can assure our readers that Colonel Gowan's opinion on responsible government remains unchanged. His letter, in pamphlet form, will be ready for delivery on Saturday."

I beg to state that the resolution, published in your paper of Monday 16th, and said to be a resolution proposed by Mr. Gowan, at a meeting of Orangemen, held at Montgomery's inn, Etobicoke, on Friday, 13th of September, is perfectly correct; it was the only resolution Mr. Gowan moved: if he moved any other which the meeting adopted, it certainly must have been seconded by somebody present. But Mr. Gowan has published in the Commercial Herald of 19th a resolution shaped differently, which he read to the meeting, and which was objected to. It was then near dark; the farmers and other brethren said they would not stay any longer, declaring that they were disappointed; they said they came many miles to hear Mr. Gowan explain the new doctrine of responsible government, complaining that he occupied or monopolized the whole time of the meeting in reading newspapers, some of them sixteen years old, which they had nothing to do with. Previous to Mr. Gowan putting the resolution, he certainly read copious extracts from letters and newspapers, in which he abused Sir P. Maitland, Sir J. Colborne, Sir F. B. Head, the Earl of Durham, and Sir George Arthur. He said their government was rotten at the heart's core, especially that of Sir Francis, for which he received a groan, and was called to order. It was then, as he states in his own account of the proceedings, Mr. Browne moved a resolution, which resolution went to show that Mr. Gowan's conduct unfitted him for the situation of Grand Master, and that he did not represent the Orangemen of Canada. Mr. Gowan then begged to be heard out, and Mr. Ashfield moved a resolution to that effect, which was understood by the brethren to be in pity to Mr. Gowan, and not opposing the resolution of Mr. Browne, only that he thought it out of order.

However as it was evident Mr. Gowan intended to let the sun go down upon his speech, as he appeared to be in dread of some resolutions not favourable to responsible government, which certainly would have been offered to the meeting, had he allowed time, a motion was made to adjourn, it being then almost dark and not one word said about responsible government, although he was several times interrupted and requested to confine himself to the question which brought them there; namely, his reasons for changing his principles; but it was of no use. The consequence was, the meeting was about to break up. Mr. Gowan seeing this, said he would sit down if they would give him leave to move one resolution, and he was taken at his word. Now this was the resolution that is said to be garbled by Mr. Gowan's chief supporters—the Mirror and Examiner. Fallen indeed very low, must that man be, in the estimation of all good loyal men, when he requires such support. In conclusion, Sir, I am free to say, you are innocent of the charge of publishing a garbled statement of the meeting or the resolution. I was present when you received the resolution from Major Elliott, who was its seconder. But Mr. Gowan's conduct of late is calculated to deceive—it shows he has one doctrine for the Lodge Room, and another for the columns of the Mirror, the Examiner and the Statesman. It would be well if he would resign his connexion with the institution before he brings any more disgrace upon it.

A MEMBER PRESENT AT THE MEETING.

(Extract.)

Enclosure 4 in No. 43.

SIR GEORGE ARTHUR TO SIR J. COLBORNE.

SIR,

Government House, Toronto, 21st Sept. 1839.

Encl. 4 in No. 43.

I do myself the honour to call your Excellency's attention to the circumstance that on or about the 31st of October next, the period for which the services of the militia and volunteer force, named in the accompanying Return No. 1, were engaged, will cease; and that some action becomes necessary to be taken respecting them without delay.

The Return No. 2 exhibits the whole of the militia force embodied in this province.

To determine what force shall be kept up in Upper Canada, it is necessary not only to refer to the state of the American frontier, but also to the position of Upper Canada itself.

With respect to Lower Canada, your Excellency has of course abundant information of what may be expected there.

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\* \* \* \* \*

The feeling on the part of the Americans is, undoubtedly, still one of sympathy towards that class of persons who have represented themselves to be oppressed under British rule; numbers have emigrated from this province during the past year, and whatever their real object may have been in leaving this province, I do not doubt they have accounted for it by dwelling upon the hardship of their case here. Notwithstanding the amnesty that was proclaimed, many of the absentees have not availed themselves of it, but have remained in the adjacent States. There has been an expression and an appearance of more cordial feeling towards Her Majesty's subjects, but I do not think it has been sincere. The patriot cause and its offspring, the hunters' lodges, have been, I understand, kept alive throughout the summer; and, on any pretext of disturbance in Canada, thousands of the floating population I have no doubt would be disposed to cross over and give a helping hand. Most of the public works in the State of Michigan have been stopped from the want of means, and great numbers of labourers will be out of employment and ready for any mischief.

The money market in the adjacent States is as bad as it can be, and all the banks are in extreme difficulty. Under the Act of Congress passed during the last session, a volunteer force has been raised which is represented to be considerable; the companies are armed and clothed, and drilled once every day, but the men receive no pay. The professed object of this force is to preserve peace, by enforcing the neutrality laws; but I have no confidence in their professed intentions.

Your Excellency is aware that on the frontier Her Majesty's subjects have been kept in great excitement.

The episcopal church at Chippewa, on the Niagara, was burnt last week, clearly the work of an incendiary from the States. It has just been reported to me that Colonel Creighton's premises have also been destroyed by an incendiary. These circumstances seem to justify the statements made by "Moon," of the scheme of villany which was to be acted upon during the winter.

With regard to the American frontier, there is, in fact, just the same foreboding of mischief which caused so much excitement last year.

Affairs in this province had, I thought, much mended, until fresh agitation was produced on the High Commissioner's Report being generally made known.

Since that time those who took the most active part in the winter of 1837 appear to be reanimated upon the question of "Responsible Government," and no person can, I think, now venture to express a positive opinion upon the exact state of public feeling. Influenced by various motives, I have no doubt a change of the institutions of this country is ardently desired by many; and in discussing "Responsible Government" it seems to me that a very considerable portion of the people regard their allegiance to Great Britain to be an open question on which they may give expression to their sentiments without any dangerous impeachment of their loyalty.

I not only hope, but indulge the expectation, that existing excitement and forebodings of worse things may pass away; but these and other considerations lead me to the conclusion, that the militia force in Upper Canada should rather be augmented than decreased.

I have, &c.

To his Excellency Sir John Colborne, G.C.B.

(Signed)

GEO. ARTHUR.

No. 44.

(No. 200.)

COPY of a DESPATCH from Lieut.-Governor Sir GEO. ARTHUR to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 14th October, 1839.

ENCLOSED I have the honour to transmit to your Lordship a copy of a letter to the provincial secretary from the sheriff of the Midland district, detailing the particulars relating to the removal of the convicts from Fort Henry, and their embarkation on board Her Majesty's ship Buffalo, for the purpose of being transported to Van Diemen's Land.

The number of persons included in that Report, 83, exceeds the number I had previously informed your Lordship were awaiting transportation by the addition of one man, John Deans, who had very recently been convicted of murder under circumstances which would scarcely allow of any mitigation of the extreme penalty of the law, and I was consequently desirous to avail myself of the opportunity which was then offered me of inflicting on him the punishment generally deemed

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to the Marquis of  
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No. 1.



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next in degree to that of death, by transporting him for the period of his natural life.

Could I have ventured to follow the impulse of my personal feelings, I should certainly have extended Her Majesty's free pardon to several others of the brigands; but in the present excited state of this community, justly exasperated at the atrocious attacks upon their property and lives, which have for some time past been made, and are still in practice, by a portion of the border population of the neighbouring states, a further extension of mercy to the brigands would have been viewed with extreme disapprobation and disgust by a great majority of the people of Upper Canada; and, which was an argument of still greater force, it did appear to me that a due regard to their security required that, in the course of treatment to be pursued towards the brigands, a strong example should be put forth by the transportation of a large proportion of them, to deter others, if possible, from similar acts of aggression upon the unoffending inhabitants of this province.

No. 2.

Being thus restrained by considerations of public duty from yielding to my own inclinations in pardoning any more of the brigands, I have directed the provincial secretary to send to the colonial secretary at Van Diemen's Land the fullest information that could be obtained of any favourable circumstances attending the cases of particular individuals, with a request that they might receive every indulgence consistent with their situation.

To enable your Lordship to have, at a single glance, a clear account of the manner in which all the prisoners taken in attempts to invade this province, from the commencement of the late troubles, have been disposed of, I now forward to your Lordship a general memorandum, exhibiting that information in a very concise form.

This, my Lord, I believe, is the last act I have to perform in this fearful tragedy; and my earnest hope is, that whilst the province has been saved from being overrun by a desperate banditti, that no part of my proceedings has been chargeable with undue severity.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquess of Normanby,  
&c. &c. &c.

GEO. ARTHUR.

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Enclosure 1 in No. 44.

SIR,

Kingston, Upper Canada, 11th October, 1839.

Encl. 1 in No. 44.

I HAVE the honour to acquaint you that, in pursuance of a warrant from his Excellency the Lieutenant-Governor, I proceeded from this place on the 23d ultimo in charge of 83 convicts, and on the 27th delivered them into the charge of the officer commanding Her Majesty's ship Buffalo, at Quebec, whose receipt, attached to a list of their names, I beg leave to transmit enclosed herewith.

The arrangements made by Messrs. M'Pherson & Co., the proprietors of the Rideau Forwarding Company, for the conveyance of the prisoners to Montreal, was most satisfactory, and the prisoners expressed their gratitude for the good accommodation afforded them. They all appeared much dejected on learning that they were to be transported to New South Wales, but said that they could not blame the Government of this country, to which they would ever feel grateful for having spared their lives, and for the liberality and humanity with which they had been treated while in confinement. They attributed their present unfortunate condition partly to the false representation of refugees from Canada, but more especially to the persuasion of men of influence in the United States, by whom they had been induced to invade this country.

I have not yet been able to collect all the accounts connected with the state prisoners, but I expect to receive them in a few days, and will immediately forward them for approval.

I have, &c.

(Signed)

A. M'DONELL,

Sheriff Midland District.

The Hon. R. Tucker, Provincial Secretary, Toronto,  
&c. &c. &c.

## Enclosure 2, in No. 44.

No. 44.  
 Sir Geo. Arthur  
 to the Marquis of  
 Normanby.  
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## General Memorandum respecting the Brigands concerned in the several attempts to invade Upper Canada.

Prisoners captured at Prescott, and tried by court martial . . .	140
"                    "            but not tried on account of their wounds . . . . .	9
"                    "            but not tried through defect of evi- dence . . . . .	4
"                    "            but not tried, because used as wit- nesses . . . . .	4
<b>Total captured at Prescott . . .</b>	<b>157</b>

## How disposed of:—

Acquitted by court martial . . . . .	4
Capitally convicted, but recommended for a mitigation of punishment by the court martial and pardoned. . . . .	22
Capitally convicted, but pardoned on account of youth . . . . .	39
Not tried in consequence of wounds, and subsequently pardoned. . .	8
Pardoned on account of age and sickness . . . . .	1
"            special recommendation of Executive Council . . . .	3
Discharged for want of evidence . . . . .	4
"            because used as witnesses . . . . .	4
Executed . . . . .	11
Died in hospital . . . . .	1
Transported for life to Van Diemen's Land . . . . .	60
<b>Total at Prescott, as above . . .</b>	<b>157</b>

Prisoners taken at Windsor, and tried by court martial . . . . .	44
"                    "            and tried by civil court . . . . .	2
<b>Total captured at Windsor . . .</b>	<b>46</b>

## How disposed of:—

Acquitted by court martial . . . . .	1
Capitally convicted, but recommended by court martial for mitiga- tion of punishment, and pardoned . . . . .	1
Capitally convicted, but pardoned on account of youth . . . . .	13
Capitally convicted before the civil court, and pardoned on account of wounds . . . . .	2
Not tried, and pardoned, because used as witnesses . . . . .	4
Executed . . . . .	6
Transported to Van Diemen's Land for life . . . . .	18
Remains in the custody of the civil power, for a felony alleged to have been committed by him in stealing a horse whilst endeavour- ing to effect an escape . . . . .	1
<b>Total at Windsor, as above . . .</b>	<b>46</b>

Prisoners taken at Point au Pelée. . . . .	9
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## How disposed of:—

Died in hospital . . . . .	1
Tried and convicted before the civil court, but remain subject to the decision of the judges on two points of law. . . . .	5
Not tried, and pardoned, because used as witnesses . . . . .	2
"                    "            on account of extreme illness . . . . .	1
<b>Total at Point au Pelée, as above . . .</b>	<b>9</b>



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Prisoners taken in the schooner Anne . . . . . 7

All of whom were discharged, in consequence of the difficulty of  
procuring the proof of facts necessary to ensure their conviction.

The brigand Sutherland was also discharged, in consequence of the  
opinion of the law-officers of the Crown in England . . . . . 1

Recapitulation:—

Whole number of prisoners taken at Prescott . . . . .	157
„ „ Windsor . . . . .	46
„ „ Point au Pelée . . . . .	9
„ „ in schooner Anne . . . . .	7
To which may be added Sutherland . . . . .	1
Whole number of brigands captured . . . . .	220

How disposed of:—

Acquitted by the several courts . . . . .	* 6
Pardoned on various grounds . . . . .	90
Discharged through want of evidence, or as witnesses . . . . .	21
Died in hospital . . . . .	2
Executed . . . . .	17
Transported for life . . . . .	78
Remain, subject to the civil courts . . . . .	6
Whole number captured as above . . . . .	220

R. S. TUCKER, Provincial Secretary.

Provincial Secretary's Office, Toronto, 13th October, 1839.

No. 45.

EXTRACT of a DESPATCH from Lieutenant-Governor SIR GEORGE ARTHUR  
to the Marquess of NORMANBY.

Government House, Toronto, 15th October, 1839.

No. 45.  
Sir George Arthur  
to the Marquis of  
Normanby.  
October 15th, 1839.

SINCE the 27th of September, when I addressed my Despatch to your Lordship, on the state of the province, there has been no occurrence of an unusually anxious nature—nothing untoward of any importance.

I propose, in this communication, to have the honour of adverting to some points alluded to in that Despatch, and to convey to your Lordship, as well as I can describe it, which is by no means an easy task, the “Patriot” proceedings on the American frontier, and the aspect of affairs generally in Upper Canada.

\* \* \* \* \*

On my lately inspecting the Penitentiary at Kingston, “Hart” and his associates engaged in the late atrocious affair at Coburg, expressed a desire through the commissioners of that institution to make some disclosures to me personally.

“Hart,” as I have already communicated to your Lordship, fled from this province into the state of New York, in consequence of some treasonable acts; there he was most courteously received, and means were readily found to enable him to commence the editorship of a “Patriot” journal, called the “Lewiston Telegraph.”

His office appears to have been the resort of all classes of persons who have been mixed up in the Canadian conspiracy. He is by no means a man of good education, but a crafty, sagacious rogue, capable of conceiving and executing any mischief; but I was glad to see that he appeared to feel the weight of the degrading punishment to which he had been sentenced.

No credit is, in my opinion, to be attached to the statements of such men, unless they are supported by other testimony; he, however, has given very extensive information against parties both in this province and in the States, who have been implicated in his wicked proceedings; and if there were a good police, his veracity in many instances, might be at once tested; at present, all that can be said is, that his declarations seem to comport with other evidence in possession of government, of which he certainly could not have been aware; and, when these have been strictly investigated, we shall be the better able to judge of the whole of his disclosures.

A person resident at Coburg, who has been an out-and-out Reformer, and formerly a great supporter of Mackenzie, declared himself thoroughly disgusted with the proceedings of the "Patriots" in sending "Hart" and the rest of his gang into Canada to commit murder and arson, and expressed to Colonel Bethune his willingness to give information, provided a promise was made that his name should not be divulged to any person but to the Lieutenant-Governor in perfect confidence.

With this understanding, the individual in question lately proceeded to attend a meeting of delegates at Lockport; and on the 28th ultimo, on his return to Canada, he gave to Colonel Bethune a statement of what had transpired, of which a copy is enclosed.

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No. 1.

\* \* \* \* \*

This person, I learn from Colonel Bethune, has always borne a good character in all respects, save politics; but it must be kept in mind, the information he gives he can scarcely have gained, except under the pledge of an oath of secrecy, and this must ever make testimony collected from such a source very questionable. This, indeed, the delegate denies; and affirms that, having been at first a warm reformer, and, secondly, a supporter of the "Patriot" cause, his secrecy and adhesion were so entirely relied upon, that no oath was administered to him: if this be true, the conclusion must be that he himself first instituted the lodge, a circumstance which is the more probable, as he was for some months resident at Rochester.

Colonel Bankhead bears gratifying testimony to the exertions made by General Scott, and to the personal influence he possesses to suppress any scheme of violence.

From the secrecy with which their measures are now carried on, it is quite impossible to be fully aware of what is really passing in the States in the "Patriot" cause.

A printed circular, published by what is styled their executive council, in August last, was brought to me a few days ago by Colonel Hartwell, of the Upper Canada militia, who has been for some time residing in the state of Massachusetts. I enclose a copy for your Lordship's perusal.

This paper is full of mis-statements; but clearly enough shows the caution with which the principal conspirators are acting.

No. 2.

\* \* \* \* \*

A letter which I have received from Captain Sandom this afternoon (a copy is enclosed) refers to some further movement on the St. Lawrence; we shall, perhaps, continue to be subject to such incursions for some time to come; but I am strongly inclined to the opinion that the "Patriot" cause is much on the decline; and Lieutenant Jones, who has been an attentive observer of all that has been passing on the frontier, thinks he perceives distinctly an alteration of feeling on the part of the Americans towards the "Patriot" cause.

The Government of the United States is now sending more troops to the Lake frontier, and there will be, in a few days, sufficient force at Detroit, Buffalo, Oswego, and Sackett's Harbour, to prevent any serious movements on the part of the "Patriots," provided this force is really intended to act in good faith, but,

No. 3.



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putting all things together that have transpired since December, 1837, I cannot overcome some misgivings in the matter.

The American government is also attending to the fortifications on the Lake frontier.

At Sackett's Harbour, Oswego, and Niagara, the works are all undergoing considerable repairs and improvements; and when I left the St. Lawrence last week General Scott was daily expected at Ogdensburg, to fix upon the position of a new fort nearly opposite to Prescott.

I returned a few days ago from the St. Lawrence, having since the close of the last session of the Provincial Parliament completed a tour of inspection through almost the whole of the settled districts of the province.

As my object has been to see and confer with all classes of persons, I have devoted much time to these excursions, and have been open to give and receive information, and to explain matters, with the utmost frankness and unreserve, which, I am satisfied, have been much misunderstood, especially by the agricultural part of the community.

No. 3 and 4.

Upon the whole, I wish it were in my power to give your Lordship a more gratifying account of the feeling throughout the province from the impressions made upon my own mind than I have it in my power to impart. Your Lordship will observe in the statements herewith transmitted—and the same have been communicated to this Government by many other sources—that serious disturbances in the province are still looked for. There is nothing I feel the want of more than a good police;—without it, it is not possible to penetrate into all that is going forward: but, so far as I can form an opinion from my own observation, and from those sources of information that are open to me, I do not expect anything like insurrection. Indeed, I am very confident there would be nothing whatever to apprehend in Upper Canada, were it not probable that even slight disturbances may be magnified into a civil war, in which it is open for the "Patriots" on the American shores to take that part which they have shown so earnest a disposition to display in Canadian affairs.

During my recent journeys I have made it my business frequently to confer with persons who were well known to have carried their reform notions to a great extreme; and, although it is not to be expected that such persons would reveal to me all they felt, yet I do place dependence, to an extent, on the assurance they have given me of their satisfaction at the course the Provincial Government has pursued throughout the trying times that have transpired.

I think, notwithstanding all the adverse circumstances since the Earl of Durham first announced his determination to leave the provinces, that we have rather gained than lost ground.

At the same time, I would not conceal from your Lordship that there are many persons of intelligence and of long experience who regard the situation of the country with great apprehension.

The republican party, which after the rebellion were prostrated, have greatly revived of late; and the loyal party are so jealous of any measures that may give an ascendancy to their opponents that it is impossible just now to be too cautious;—in fact, the state of the public mind is such as to convince me that her Majesty's Government took a wise course in not pressing the bill for the union, and its attendant measures, through the Imperial Parliament during the last session.

The country needs repose, and the people time for dispassionate reflection; and, regarding the state of parties in this country to be as I have described it, I submit that the interval of tranquillity should be employed in throwing into the province a body of loyal emigrants from the mother-country, so that possession might be thoroughly secured before important legislation be entered upon.

The effect of the stoppage of the Branch United States Banks will, of course, be immediately apparent in this province. What I apprehend is—that the "floating mass" of population, being thrown out of employment, may tend to increase our border disturbances; but I hope to be able to meet any difficulties of this kind.

The banks of this province were to resume cash payments on the 1st of November: I have not yet considered what course it will be proper to pursue in the present state of the American money-market, but I shall lose no time in taking the advice of the Executive Council upon it.

Since the Earl of Durham's Report was published, the reform party, as I have already stated, have come out in greater force—not in favour of the Union, nor

of the other measures contemplated by the Bill that has been sent out to this country, but for the darling object so strenuously advocated by Mackenzie, familiarly denominated "responsible government."

In my despatch of the 27th September I stated that the sheriff had declined to convene a meeting which he was requested to call, to take the question into consideration.

I thought he acted injudiciously, though from the very best motives, as it was obvious the parties might proceed without him; and a meeting has accordingly this day taken place.

I have not yet received any report officially of the proceedings, but the Mayor of Toronto has informed me that he attended the meeting—that amongst the advocates of "responsible government" were many persons who were found among the enemies of the country in 1837, and that the loyal party outnumbered them by a vast majority: there appears to have been a great deal of violence exhibited, and, as usual, perhaps all parties are to be blamed.

It is most unfortunate that this theory should have been agitated. I have met it with a decided disapproval whenever it has been proposed to me for my opinion, and I believe with some effect: but it will probably be a point by which the next elections will be extensively influenced; and it is to be the more regretted as it seems, although perhaps to a small extent, to divide the loyal party.

This brings me to the last subject which I shall notice in this despatch, and which has caused me much anxious consideration,—namely, whether the present House of Assembly should be dissolved before the important subjects now pending are brought under the consideration of the legislature.

Influenced by no party considerations whatever, and desiring only to promote the good of the country, I can perceive on many accounts, that the assembly of a new parliament would be most desirable. But when I reflect upon the shock it would prove to the present House, who stood forward so manfully to support the connexion with the mother-country, and take into consideration the existing state of the province, I have arrived at the conclusion, for reasons which I will by the next opportunity more fully explain to your Lordship, that the dissolution of the House ought not to be thought of.

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Enclosure 1 in No. 45.

STATEMENT made by Mr. ———.

I SAW a person (of Cattawissa, Colombia County, Pennsylvania) on board the steamer Transit, who informed me that he had been in the Newcastle, Home, and Gore districts, upon the business of the "Patriots," that he found there had been some arms brought into the country from the United States, but not so many as he expected; that he found the reformers in the country had more arms of their own than he supposed, and that the best disposition existed among them to aid the "Patriots" in any measure for the *liberation* of Canada. He told me that he was an engineer, and was induced to enter into the "Patriot" cause from a knowledge he had of Lount, who had been hanged in Canada;—that Lount lived at his house during the last war, and, on his return to Canada, presented him with a gold watch, which he showed me, but that he took no active part on behalf of the "Patriots" until about two or three months ago. He said that he came to Canada for the purpose of ascertaining the true state of the country, as well for his own satisfaction as for that of the friends of the "Patriots" in his part of the country.

When we were at Lockport, at the meeting of delegates there, he assured the meeting that he would furnish seven hundred men, free of expense, to assist in their contemplated attack upon Canada.

I went to Lockport, at the request of a messenger sent by a committee of the "Patriots" on the other side of the Lake, to meet them at that place on Thursday last, to consult upon the plan that should be adopted by the "Patriots" to carry their wishes into effect. Before leaving home I mentioned the matter to two conservative gentlemen of the place where I live, and they advised me to go to the meeting for the purpose of ascertaining the plans of the "Patriots."

I met eighteen persons there, whom I considered delegates. There were three persons from Canada at the meeting besides myself—one from the rear of Toronto, one from the Gore District, and one from the Niagara District. We were sworn not to mention the names of each other.

It was stated at the meeting that they had about seven hundred stand of arms at Buffalo, and a quantity of arms back of Detroit, and six pieces of cannon. It was also stated that they had cannon and ammunition at Oswega. After speaking of several

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Sir George Arthur  
to the Marquis of  
Normanby.  
15th October, 1839.

Encl. 1 in No. 45.



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Sir George Arthur,  
to the Marquis of  
Normanby.  
15th October, 1839.

Encl. 1 in No. 45.

places where they thought an attack should be made upon the province, it was determined that it should be made from Detroit, and that the landing should be effected near Windsor, where the "Patriots" landed last year; that the attack should be made as soon as the canal-boats should be laid up.

It was stated that they had three thousand men upon whom they could certainly rely, and that they would make the attack with that number of men. That arms should be sent over to this province immediately—about six hundred to Whitby, four or five hundred to Presqu' Isle, and large quantities to the London and Western Districts. It was said there were about four hundred stand of arms already in the township of Percy (Newcastle District).

It was spoken of as their plan, that, as soon as they effected a landing in the West, the disaffected in the various districts of the province should rise for the purpose of distracting the attention of Government, and preventing their sending troops to the West. It was expected that, if they could make a stand in the West for a few days, they would be joined by great numbers of persons from the States who are only waiting for such an opportunity to come over to Canada. Sutherland and MacLeod left Lewiston last Friday, for the West, to make preparations for the attack; and Lett went to Oswega on Thursday, to make arrangements for the destruction of the steamer Great Britain. It was expected that she might be detained there by stress of weather over night, when her destruction could easily be accomplished.

They stated at the meeting that there was a British officer at Pennsylvania, who would take command of the attacking party in the west; that they preferred him to Von Shoultz as a *leader*, though they thought highly of the latter.

It seemed to be the opinion of that portion of the meeting who appeared to be most respectable, that the system of burning houses should not be persisted in; though they had no objection to burning the *barns* of Tories. They thought that plan would impoverish the Tories and benefit their own friends more than burning their houses. It was said that they would postpone the destruction of the English church at Toronto, until its completion; and I feel confident it will be attempted, and perhaps by some persons who now reside in the city. They said there was a good understanding between them and some of the inhabitants of Toronto, whom they called "friends." They said one of their particular "friends" was a lawyer in Toronto.

It was stated at the meeting, that they would take no prisoners; they would show them how it worked. They neither expected, ask, nor receive quarter; and they intended to give no quarter to those persons who should fall into their hands.

The impression produced upon my mind, from what I heard at the meeting, is that the disaffected in the Province, particularly in the Newcastle district, are much more numerous than I had supposed previously.

Mr. ——— highly approved of holding Durham meetings, as it enabled the "patriots" in the province not only to assemble publicly, but privately also; and he advised that they should be held at as many places as possible.

I saw persons to the number of sixty drilling at Lockport, secretly, who are called "patriots;" some were using muskets, some swords, when I saw them. I was taken to the place where they were drilling, by a person who was called Serjeant Macintosh, formerly of the 93rd regiment, and by one Watson, son of the Watson who was sent to England, on his way to a penal colony, with John G. Parker, and who, I understand, has lately been liberated by the British Government.

When I lived at Rochester last spring, I heard several very respectable persons say that they considered General Scott friendly to the patriot cause; and that General Scott had stated he only wanted an opportunity to come over to Canada. It was also stated at the meeting at Lockport, that General Scott was not to be feared by the patriots; that if they had no greater enemy than General Scott, they would get on very well.

(Circular.)

Enclosure 2 in No. 45.

Safety Committee Room, 18th August, 1839.

#### GLORIOUS NEWS FOR THE PATRIOTS.

Encl. 1 in No. 45.

THE Chancellor of the Exchequer recently declared in the House of Commons, in England, that the Canadian revolution had already cost Great Britain upwards of ten millions of dollars, and remarked that a continuance of the expense of keeping up so large a military establishment in those colonies, could not long be borne.

Daniel O'Connell and Mr. Leader, the great advocates for liberty, ably defended the Lower Canadians in the British House of Commons, and sustained the revolting party in the course they have taken.

John G. Parker, and seven other leading Upper Canada patriots, who were banished by Governor Arthur, have been liberated in England, and are now on their return home.

Instructions have been given by the ministry in England, for the immediate liberation of all the patriot prisoners now in custody of the authorities in the Canadas.

Sir John Colborne has recently been dismissed from the office of Governor General of the Canadas, and recalled to England, in consequence of the severity with which he uniformly treated the French Canadians engaged in the revolution.

Mr. Charles Buller, Secretary to Lord Durham, while the latter was discharging the duties of Governor-General of the North American Colonies) and member of the House of Commons, strongly censured Governor Arthur for executing those brave patriots Lount and Matthews, and unhesitatingly told the Prime Minister, that he Governor Arthur, had made false representations relative to Canadian affairs, and particularly in stating the number who signed a petition to have the lives of Lount and Matthews spared.

It is ascertained for a certainty, that Governor Arthur's conduct in relation to the cruel treatment of patriot prisoners, and suspected persons, is disapproved of in England, and it is confidently expected that he will soon be dismissed, and follow Governor Colborne.

The Government of Great Britain have approved of the decision of the Lower Canadian judges, who were suspended from office by Governor Colborne, for interfering with his military law, and are again in office to see that justice is done to the oppressed!!

FELLOW PATRIOTS:—The Committee of Safety have much pleasure in communicating to the friends of freedom the above facts, recently received from unquestionable authority, which cannot fail to dispel the dark cloud which has for months past cast a solemn gloom over the patriot cause.

It is quite clear that the British Government are already tired of the expense of retaining the Canadas at the point of the bayonet, as they have done for the last eighteen months. The enormous amount of doing so, has to be borne by the people in England, or they at once lose those colonies; and it is evident that the six millions of dollars yearly required to maintain a standing army for that purpose, has its proper influence with Queen Victoria's advisers, who will pause before they increase the excitement in England, already bordering on a state of revolution, by an additional tax, which must be restored to, as mentioned by the Chancellor, should the Canadas be retained by the Queen.

The Committee are without proof that the British ministry secretly desire to have these colonies rescued from under their controul, but they are in possession of facts that fully justify a conscientious belief that such is really the case.

The frankness of the Chancellor of the Exchequer in stating that the Canadas could not be long held by Great Britain, under such heavy yearly expense; the manner Messrs. O'Connell and Leader, both in the confidence of the ministry, advocates in the House of Commons the course pursued by the Lower Canadians;—the certain dismissal of Governor Colborne, in consequence of ill treating the French Canadians, suspected of being concerned in the rebellion;—the strong language made use of in the House of Commons by Mr. Charles Buller, relative to Governor Arthur's conduct in executing Lount and Matthews;—the daily censure heaped upon the latter functionary by the authorities in England, for the tyranny which has characterised all his past acts (whenever he had patriot prisoners in his power);—the liberation of that useful and leading patriot, John G. Parker, and others;—the restoring to office of the Lower Canadian judges, dismissed by Governor Colborne for allowing bail to patriot prisoners confined under Sir John's martial law;—the attention paid to Lord Durham's official report in England (which is most unquestionably in favour of the discontented in the Canadas);—with many other similar facts, all go to strengthen the Committee in their well-grounded belief, that whatever those who wield the power in Great Britain may openly say relative to holding the Canadas, they very prudently, and with an eye to their alarming troubles at home, secretly desire to rid themselves of these expensive colonies, the assertion of all the tory tyrants therein to the contrary notwithstanding.

In pursuing this subject a little farther, the Committee beg leave to remark, that it is well known in Great Britain that full nineteen-twentieths of an immense Lower Canadian population are hostile to their present government, and in favour of a revolution; and it is equally well known by the authorities in England, that those Canadians have only been deterred from a general insurrection, and putting down the hired soldiery and loyalists by a knowledge that, should they make another attempt for liberty, and fail to overpower the soldiers and loyalists, for want of arms, Governor Colborne would certainly pursue the same horrid butchery of men, women, and children, and the destruction of whole villages by fire, that characterized his proceedings in the first and second outbreak. The same, to a certain extent, will equally apply to Governor Arthur's conduct in Upper Canada. If the British ministry were therefore really determined to hold those provinces at the point of the bayonet, as they have thus far done, is it reasonable to suppose that they would under any circumstances withdraw the very men from the government of the Canadas who, it is notorious, have (by their cruel acts, and threatenings to punish more severely in the future) kept a great number of the less informed and timid patriots in both provinces from fulfilling the solemn pledges given to the United States patriots (who went from their homes to assist in giving them freedom) in coming to their assistance, according to expectation, in the hour of danger, thereby causing every defeat the patriots have thus far met with.

The embarrassment which the fearless patriots have had to contend with by such weakness on the part of their timid fellow-citizens in the Canadas will now be effectually removed by the departure of Governor Colborne from Lower Canada, and the daily expected dismissal of Governor Arthur in the Upper Province, and the difficulty that so many real friends

No. 45.  
Sir George Arthur  
to the Marquis of  
Normanby.  
15th October, 1839.  
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have so long laboured under for want of arms, can be easily overcome by throwing into the hands of those who will use them a sufficient quantity to make them useful.

Taking a candid view of the whole of the preceding truths, and without giving them any improper colouring, they certainly do forebode prospects cheering to those who still nobly desire to see the Canadas freed from bondage, and who, by now coming forward manfully will accomplish an object worthy and creditable to the name of freemen, and feeling assured that the reorganization of a new society, under such favourable circumstances, will hasten on a crisis so much desired by thousands, yea millions, and with a view of keeping up a high state of excitement and alarm in the Canadas so essentially necessary for the furtherance of that cause. The Committee have thought it advisable to issue circular letters, setting forth their views upon the important subject, and have despatched several of their own members to distribute them confidentially, in different directions, with further authority to form, while on their present tour, societies on our own and the Canadian frontier, agreeable to the accompanying instructions, which, if rigidly observed, will effectually baffle the most sagacious to ascertain even of the formation of a new secret society, or subsequent movements, in time to prevent successful operations.

As soon as the societies can be properly formed (which, owing to the extent of territory on both frontiers, and the extreme difficulty and caution necessary to be observed in approaching the Canadian shores, and passing through those provinces unsuspected, will take some considerable time), notice will be given relative to future proceedings: in the mean time the Committee do earnestly beg and entreat that no public show will be made—no expressions heard to escape the lips of any person calculated to excite suspicion among those who do not feel disposed to heartily unite in the glorious cause; but let all appear as calm and silent as the grave (except nightly meetings) till the proper hour shall arrive.

With reference to future movements, the Committee will merely now remark, that whatever course they may hereafter decide on pursuing in this matter, it now strikes them very forcibly that, as there are many places on the Canadian frontier where landing can be made without coming in direct contact with a superior British force, and hundreds of other places where little or no force is kept, particularly in the Upper Province, a very successful invasion can be for years carried on, if necessary, by the joint co-operation of the friends in the Canadas, affording as the latter can, at all times, the most correct and useful information.

While there continues so great a military force in the Canadas, and while the authorities there continue in the belief that their government across the Atlantic desire them to defend these provinces, it will not be advisable that any place taken possession of by the patriots in those colonies, shall for the present be permanently held.

The example which the tyrants of Great Britain first set our forefathers in the revolutionary war of 1776, followed up by Colonel MacNabb and Captain Drew in the Canadian revolution of 1837, can be speedily accomplished on landing, and the places evacuated before any great combination of force can be brought to bear against the patriots. The insulting manner which the officials, backed up by other loyalists, have, time after time, exposed the lives of hundreds of American citizens, by discharging small arms at our steam-boats and schooners in passing (on their regular and lawful business,) by those hot-beds of toryism, Brockville, Prescott, and other places on the Canadian shores, calls loudly for merited chastisement.

We shall no doubt be told, and very likely too, by our own government, that we are engaged in a cause calculated to create ill feeling between Great Britain and the United States, that may ultimately bring on a national war between those two powers. Anticipating such an objection by some few citizens against the patriot cause, the Committee, in reply, do not hesitate to say, that Great Britain, with her alarming difficulties at home, will not venture a war with the United States Government, in consequence of citizens of the latter taking possession of a territory four thousand miles from England, which costs the latter millions of dollars yearly more than its worth, and which they no doubt wish to get rid of; but suppose on the other hand, that Queen Victoria should be advised to declare war against Uncle Sam, pray tell us, ye wise men, what she would gain by such a step. The Committee say, nothing whatever. What then would she lose?—All her North American Colonies. Besides, would not a war firmly unite the Southern and Northern States? Would not the question relative to Maine, and other disputes, be finally settled in less than a month after a declaration of war? Would the Canadas remain a day under Great Britain? Nay;—but why dwell on this subject?—there is no danger, if danger it can be called, of such being the case.

Shall we then, the offspring of those brave patriots, whose blood flowed so copiously in freeing themselves from the same oppressive and galling yoke of tyranny that the Canadians are groaning under, be prevented from following in the footsteps of our illustrious ancestors. Let us, as a people who know the blessings of freedom, show that the descendants of those who taught Great Britain to be just to the now United States in 1776, will teach Miss Victoria and her Government to be also just to the Canadas, labouring under similar oppression that we once did; and that, should it take years, and millions of dollars, and oceans of blood, those suffering colonies shall yet be free; and the guilty officials who have in the least participated in the murdering of American or Canadian citizens, or in the capturing, trial, or execution of a patriot, may yet in their turn have to enter upon the scaffold for execution, should justice, in a more summary way, not sooner overtake them.

It will, no doubt, be gratifying to the friends of freedom, to know that there is no want of the necessary means to carry on an extensive invasion, should Great Britain drive us to that alternative, and as we can now safely depend on considerable assistance from the Canadas. The Committee look forward at no very distant period to see those provinces a second

Texas; and when that day arrives, be it sooner or later, the names of those registered, as directed by the instructions of this Committee, and continue firm under the new society to the end, will be sure of receiving such rewards as their services may justly entitle them to.

In taking leave of you, fellow citizens and patriots, for a while, the Committee think they have only to call your thoughts for a moment to past events, to convince you that our future prospects to glorious honours and wealth on the one hand, or the total ruin, defeat, and disgrace on the other, depends upon a well organized society, who to a man must, under the most trying circumstances, make strict secrecy, watchfulness, patience, order, perservance, brotherly love, a determination to support the by-laws, his constant watchword.

J. L. QUINN,

Chairman of the Committee of Safety.

No 45.  
Sir George Arthur  
to the Marquis of  
Normanby.  
15th October, 1839.  
Encl. 2 in No 45.

(Copy.)

Enclosure 3 in No. 45.

SIR,

Kingston, 11th October, 1839, 7 P. M.

I DO myself the honour to enclose for your Excellency's information a placard, which I should not have considered worthy of notice but that I am given to understand that it is a mere pretext for an extensive meeting of "Hunters," who, urged on by Theller, Parker, and such persons who are this night at Ogdensburg, are inclined to renew the scenes of last year.

My informant suggested the propriety of recommending that the "Brockville" should not visit the town of Ogdensburg to-night, as, from the excitement of some people there, some evil consequences might arise; which recommendation I urged on the captain.

I am credibly informed that projects are maturing for the annoyance of the British steam-vessels which traverse the St. Lawrence, in their passage among the islands.

I have, &c.

(Signed) W. SANDOM, Captain. R. N.,  
Commanding on the Canadian Lakes.

His Excellency Major-General Sir Geo. Arthur, K.C.H.,  
Lieutenant-Governor, Upper Canada.

Encl. 3 in No. 45.

# NOTICE.

AN adjourned meeting of Naturalized Citizens of Ogdensburg and vicinity will be held at the Town Hall, in the village of Ogdensburg, on Friday evening, the 11th instant, at seven o'clock, for the purpose of appointing delegates to attend a State Convention of Naturalized Citizens, to be holden at Syracuse, on the 14th instant, to take into consideration the propriety of petitioning the President and Congress in relation to the claim of Great Britain—"Once a subject, always a subject."

In case of war it is a matter of serious importance that adopted citizens should, by declaratory law of Congress, stand in the same relation to the Governments of the United States and Great Britain as natural born citizens.

Citizens friendly disposed to the object of the meeting are invited to attend.

Ogdensburg, October 10, 1839.

No. 46.

(No. 203.)

COPY of a DESPATCH from Major-General SIR GEORGE ARTHUR to Lord JOHN RUSSELL.

MY LORD,

Government House, Toronto, 18th October, 1839.

I HAVE the honour to acknowledge the receipt yesterday, *viâ* Montreal, of the duplicate of your Lordship's despatch, No. 1, of the 10th September, transmitting, for my information and guidance, an extract from the instructions which have been addressed to the Right Hon. C. Poulett Thomson, on his assuming the Government of British North America.

No. 46.  
Sir George Arthur  
to the Marquis of  
Normanby.  
October 18th, 1839.



No. 46.  
 Sir Geo. Arthur  
 to the Marquis of  
 Normanby.  
 Oct. 13, 1839.

This portion of the instructions, I observe, contemplates the Governor-General's proceeding to Upper Canada for the purpose of administering the Government in person, the object being "to obtain as much agreement as possible to the plan to be hereafter submitted to the Imperial Parliament."

On Mr. Thomson's kindly affording me a short notice of his intention to proceed hither, I will at once give up the Government House for his use, in order that his Excellency may possess all the convenience which the official residence affords; and your Lordship may rest assured, that I shall be disposed readily and cheerfully to afford the Governor-General all the information in my possession, upon any point respecting which he may wish to consult me.

At the same time, I should not discharge my duty to The Queen's service with fidelity, or act towards your Lordship with candour, if I did not respectfully state my opinion, that with my suspension from the functions of my office, my power to render the Governor-General all the effective assistance I should desire will be materially diminished.

Throughout the period of twenty-five years, during which I have been employed in the administration of some colony, under the orders of twelve successive Secretaries of State, I have laid it down as a rule never to be a party man either in British or Colonial politics. The difficulty of sustaining such a neutral position is extreme; and there are times when one is left thereby almost without any support; but still, firmly and consistently aiming to govern the people, and not to be the leader of a party, has never disappointed me in the end.

Acting upon this principle, I have no expectation that any men who are ultra, either in religion or politics, could be warmly attached to my Government; but I have endeavoured to carry with it the support of all moderate men, who still compose by far the most influential and numerous party in Upper Canada.

My own line of action, so far as I am aware, concurs with the principle by which every member of the Executive Council has been influenced. In that body, I have always encouraged the utmost freedom of discussion, and I avail myself of this occasion of recording with pleasure and satisfaction, that, in the unlimited exercise of freedom of debate, I have never known an instance, in the midst of the most perilous times, and when party feeling has been running exceedingly high, of any exclusive, intolerant, or violent course of policy having found one advocate at the council table. The consequence is, that whilst the Government seeks not the warm plaudits of any party, however powerful, I enjoy a moral influence as extensive as any colonial authority could expect to possess under the circumstances in which this province has, for some time past, been placed; and I do not doubt, that any measures which I might recommend to the legislature, would be respectfully received by the majority, not as party propositions, but as measures at least well intended to promote the general welfare.

Whether, at such a time, it may be prudent to hazard the loss of an influence which has been acquired under peculiar circumstances, and to leave the public to infer, that, on the part of the Home Government, a want of confidence exists as to the judgment or fidelity with which the provincial affairs have been administered, are considerations on which I would not wish to enlarge.

Without offering these remarks, I should not feel satisfied that I had discharged my duty to Her Majesty's service; but having done so, I beg to add, that, if the Governor-General, with whom all the responsibility and deepest solicitude for the success of the great measures in contemplation rest, shall differ in opinion with me, I shall dismiss from my mind every thought upon the subject beyond that of rendering his Excellency the most cordial and zealous support in working out his own plan; and, it is very possible, that I over estimate the objections to it, and that the course to which the instructions point, may practically prove the most beneficial.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,

GEO. ARTHUR.

The Right Hon. Lord John Russell,

&c.

&c.

&c.

(No. 214.)

No. 47.

EXTRACT of a DESPATCH from Sir GEORGE ARTHUR to LORD JOHN RUSSELL.

Government House, Toronto, 11th November, 1839.

IN my despatch, No. 203, of the 18th ultimo, I had the honour to communicate to your Lordship the impressions I entertained relative to the proposed assumption of the administration of the affairs of this province by the Governor-General.

The Governor-General will himself, no doubt, have informed Her Majesty's Government of his decision to meet the present Parliament on the 3rd of December next.

It is certainly possible that this proceeding may prove the most beneficial means for the attainment of the end which Her Majesty's Government have in view; and your Lordship may be assured that I shall be happy to render to the Governor-General, during his presence here, every assistance in my power.

But I will not conceal from your Lordship my serious apprehension, that party-feeling, and the excitement always thereon attendant, will be brought into lively activity, upon the occasion of the Governor-General's personal assumption of the Government; and I still strongly entertain the opinion that it would have been more advisable, under the actual circumstances of this province, to have allowed me to propose to the Legislature the measure of the Union, on such grounds as Her Majesty's Government might desire.

If the measure failed, the Parliament might have been dissolved; if it proved successful, the Governor-General would have reserved himself for the United Legislature, unembarrassed with the particular politics of Upper Canada; a consideration which may prove hereafter of considerable importance.

My impression is, that there will be a considerable majority in favour of the Union, abstractedly considered; but as I do not myself know the precise measures contemplated by Her Majesty's Government, in connexion with it, I am unable at present to express a decided opinion upon the whole question.

No. 47.  
Sir George Arthur  
to Lord John Russell.  
October 22nd, 1839.

(No. 224.)

No. 48.

COPY of a DESPATCH from Sir GEORGE ARTHUR to the Right Hon. Lord JOHN RUSSELL.

MY LORD,

Government House, Toronto, 22d Nov. 1839.

I HAVE the honour to inform your Lordship that his Excellency the Right Honourable Charles Poulett Thomson arrived here yesterday morning; and that his Excellency having been sworn in, has this day superseded me in the administration of this Government.

It is the Governor-General's desire that I should continue to conduct, as heretofore, the usual routine business of the Government, as his mind will be principally directed to the great political measures which he has in contemplation; and it will be my wish, as well as my duty, to afford his Excellency every assistance in my power.

The subject of the greatest importance to be disposed of is the progress of a Commission, appointed, on my own recommendation in accordance with an address from the House of Assembly during the last session, for the purpose of inquiring into the state of the various public departments, with a view to the adoption of such measures of improvement in regard to them, as may seem to be practicable and advisable.

This Commission, the members of which have been divided into several distinct committees, is now actively engaged in the prosecution of the inquiries that have been entrusted to it; the nature and extent of which will be fully explained to your Lordship by the accompanying printed copy of the Commission and instructions.

I lament to say, that, so far as the inquiry has gone, too much proof is already afforded of great defects in the system pursued in the offices of several public accountants: nothing worse, I hope, will be brought to light, but the aspect, at present, is very unfavourable.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

GEO. ARTHUR.

The Right Hon. Lord John Russell,

&c.

&c.

&c.

No. 48.  
Sir Geo. Arthur  
to Lord John Russell.  
Nov. 22, 1839.



No. 48.  
 Sir Geo. Arthur  
 to Lord John Russell.  
 Nov. 22, 1839.

Enclosure in No. 48.

### ADDRESS OF ASSEMBLY.

Encl. in No. 48.

To his Excellency Sir GEORGE ARTHUR, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, Major-General Commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial parliament assembled, beg leave to thank your Excellency for the careful investigation which has been made into that branch of the public service, connected with the offices of the provincial and private secretary, and for the zealous desire shown by your Excellency to put those departments upon an effectual footing.

We beg leave to inform your Excellency that we are of opinion, that a similar investigation and close scrutiny into the business, conduct, and organization of every other public department in the province, will be productive of great advantage to the public service.

We therefore pray that your Excellency will be pleased to employ some fit and disinterested person or persons, to make such an investigation and scrutiny as would enable them to report on the state of each department, and to recommend such changes in the system of conducting the public duties, as they may think will be beneficial; and that their report should be transmitted to the legislature at the next session; and we assure your Excellency that we will make good the necessary expenses attending such proceeding.

Commons House of Assembly,  
 9th day of May, 1839.

ALLAN N. MACNAB, Speaker.

### HIS EXCELLENCY'S ANSWER.

GENTLEMEN,

This address is most gratifying to me, and I shall, with great readiness, endeavour to comply with your wishes, by instituting an early investigation into the state of the several public departments under this Government, in order that a particular report of their actual conditions, with suggestions for such changes and improvements as they may appear to be susceptible of, may be laid before the legislature at the next session.

### COMMISSION.

UPPER CANADA.

GEO. ARTHUR.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

To the Honourable Robert Baldwin Sullivan; the Honourable William Allan; the Honourable Augustus Baldwin; the Honourable William Henry Draper; the Honourable Richard Alexander Tucker, Members of our Executive Council, in and for our said province of Upper Canada; the Honourable Robert Sympson Jameson, Vice-Chancellor of our Court of Chancery, in and for our said province; the Honourable John Henry Dunn, our Receiver-General, in and for our said province; the Honourable John Macaulay, Inspector-General of Provincial Accounts, in and for our said province; the Honourable John Simcoe Macaulay, Member of the Legislative Council, in and for our said province; the Honourable Levius Peters Sherwood, the Honourable James Buchannan Macaulay, the Honourable Jonas Jones, the Honourable Archibald M'Lean, Justices of our Court of Queen's Bench, in and for our said province; Christopher Alexander Hagerman, Esquire, our Attorney-General, in and for our said province; Charles Chichester, Esquire, Colonel in our Forces; Henry Sherwood, Esquire; the Reverend John M'Caul, Principal of Upper Canada College; the Reverend Henry J. Grasett; Samuel B. Harrison, Esquire, Civil Secretary to our Lieutenant-Governor of our said province; William Hepburn, Esquire, Registrar of the Court of Chancery, in and for our said province; James Hopkirk, Esquire; and to all to whom these presents shall come—

### GREETING.

WHEREAS the honourable the Commons House of Assembly of our province of Upper Canada did, by their address to our Lieutenant-Governor of our said province, pray that he would be pleased to employ some fit and disinterested person or persons to investigate the business, conduct, and organization of the several public departments in our said province; and that the person or persons so employed should report on the state of the said several departments, and what changes in the system of conducting the public business in the said several departments would, in the opinion of such person or persons, be beneficial; which report the said House of Assembly further prayed should be laid before them at the next meeting of the Provincial Parliament.

Now know ye that we, in compliance with the said address to our Lieutenant-Governor of our said province, and reposing trust and confidence in your loyalty, integrity, and ability,

have constituted and appointed, and by these presents do constitute and appoint you, the said Robert Baldwin Sullivan, William Allan, Augustus Baldwin, William Henry Draper, Richard Alexander Tucker, Robert Sympson Jameson, John Henry Dunn, John Macaulay, John Simcoe Macaulay, Levius Peters Sherwood, James Buchannan Macaulay, Jonas Jones, Archibald M'Lean, Christopher Alexander Hagerman, Charles Chichester, Henry Sherwood, John M'Caul, Henry J. Grasett, Samuel B. Harrison, and William Hepburn, to be our commissioners, to investigate the business of the several departments of our said province, and the system of conducting the public business in the same, and the organization thereof, and to report to us upon the said several matters, and whether, in your opinion, any change may be made in the system of conducting the public business in the respective departments of the government, which would be to the advantage of our subjects; hereby charging and commanding all persons to be aiding and assisting you, our commissioners as aforesaid, in the performance of the duties, by these our letters patent, assigned to you.

And know ye further, that we do hereby give full power and authority to you, our commissioners as aforesaid, to call before you all and every such person and persons as you, our commissioners as aforesaid, may think proper; and to send for and examine all such papers, records, and documents, of every description, as you, our commissioners as aforesaid, shall judge necessary, with a view to obtain such information as you may deem requisite for your guidance and assistance in investigating the several matters and things as aforesaid, in the respective departments of the government.

And know ye further, that reposing trust and confidence in the loyalty, integrity, and ability of you, the said James Hopkirk, we have constituted and appointed, and by these presents do constitute and appoint you, the said James Hopkirk, to be the Secretary to our commissioners as aforesaid, hereby enjoining you, as such, to fulfil and perform all such lawful duties and commands as you, the said James Hopkirk, may from time to time receive from them, the said Robert Baldwin Sullivan, William Allan, Augustus Baldwin, William Henry Draper, Richard Alexander Tucker, Robert Sympson Jameson, John Henry Dunn, John Macaulay, John Simcoe Macaulay, Levius Peters Sherwood, James Buchannan Macaulay, Jonas Jones, Archibald M'Lean, Christopher Alexander Hagerman, Charles Chichester, Henry Sherwood, John M'Caul, Henry J. Grasett, Samuel B. Harrison, and William Hepburn, as our commissioners as aforesaid.

No. 48.  
Sir Geo. Arthur  
to Lord John Russell.  
Nov. 22, 1839.  
Encl. in No. 48.

In testimony whereof, We have caused these our letters to be made patent, and the great seal of our said province to be hereunto affixed. Witness our trusty and well-beloved Sir GEORGE ARTHUR, K.C.H., Lieutenant-Governor of our said province, and Major-General Commanding our Forces therein, at Toronto, this twenty-first day of October, in the year of our Lord One thousand eight hundred and thirty-nine, and in the third year of our reign.

G. A.

By command of his Excellency.

C. A. HAGERMAN, Attorney-General.  
R. A. TUCKER, Secretary.

SIR,

Government House, 22d October, 1839.

IN accordance with the address of the House of Assembly, during the last session, I have this day caused a commission to be issued, under the great seal, directed to certain commissioners, of whom you are one, to inquire into and investigate the several departments of the public service.

Being anxious that proceedings should, at as early a period as possible, be taken under the commission, I transmit the commission to you, and have caused the several members of the commission to be notified to meet at the Council Chamber on Friday morning next, at 10 of the clock in the forenoon, in order that the commission may be opened, and the course of business determined upon.

I can only add the earnest desire I feel, and which I beg to impress upon all the commissioners, that the utmost dispatch should be used, which is consistent with a careful discharge of this important duty, so that the reports may receive my consideration, and be prepared for the House of Assembly at its meeting.

I have the honour to be, &c.

The Hon. R. B. Sullivan,  
&c. &c. &c.

(Signed) GEO. ARTHUR.

# MINUTE.

WITH a view to institute such an inquiry into the business, conduct, and organization of the various public departments of this province, as was requested by the House of Assembly in its address, at the close of the last session, and for the information and satisfaction of the Government, the Lieutenant-Governor has been pleased to issue a commission, and to appoint the following committees from the board of commissioners so constituted.



CORRESPONDENCE RELATIVE TO THE  
INSPECTOR-GENERAL'S OFFICE.

No. 48.  
Sir Geo. Arthur  
to Lord John Russell.  
Nov. 22, 1839.  
Encl. in No. 48.

Committee No. 1.

MEMBERS :

The President of the Executive Council.  
The Honourable Augustus Baldwin.  
His Honour the Vice-Chancellor.  
Henry Sherwood, Esq., Q.C.

To this committee is assigned the inquiry into the duties of the inspector-general of public accounts, and the system pursued in his office.

The committee will ascertain—

1. The particular nature and extent of the business which is, and for some time past has been transacted in this department.

2. Whether the business be such as should properly devolve on this office, or whether any portion of it might be beneficially transferred to other departments; or, on the other hand, whether any additional duties might be advantageously assigned to this office.

3. Whether the system of accounts pursued in this office be satisfactory, or whether it be capable of improvement in any respect.

4. Whether the different public accountants transmit their Returns to this office punctually, at regular stated periods; or, if not, whether a sufficient power at present exists, for compelling a prompt and regular transmission of accounts.

5. Whether the information necessary for a strict scrutiny into all money transactions, be promptly afforded by public accountants, and whether any improvement of the present form of rendering accounts to the inspector-general, or in preparing the public accounts of the province, be requisite.

6. Whether the inspector-general has sufficient means of ascertaining that the several collectors and receivers of the public revenue, faithfully and truly account for all monies for which they are responsible.

7. Whether there be means of knowing that due diligence is observed by the respective officers, in the collection of duties on imports, and on shop, tavern, stills, and other licences; as also in punishing such persons as may be detected in attempts at fraudulent evasions of the Revenue Laws.

8. Whether returns be daily made of fines levied by the warrants of magistrates, and paid to the receiver-general, for the public uses of the province, by virtue of any law now in force.

9. Whether the returns be made to this office, of fines levied under the authority of statutes enjoining their appropriation to local purposes; or if not, whether there be any means by which the executive government may learn periodically, the amount of fines so levied, and ascertain and check the manner of their application, to the ends prescribed by statute.

10. Whether the accounts of monies expended by Commissioners appointed under Acts of Legislature, be duly examined at this office.

11. Whether the rents of ferries and mill-seats, which should be regularly paid to the receiver-general, be returned in any form of account to the inspector-general.

12. Whether returns of fines, estreats, &c., be duly made to this office, by sheriffs, clerks of the peace, &c.; or if not, whether there be any other means of checking and controlling the receipts and payments of this class of public accountants.

13. What means exist, whereby payments made from time to time by receivers of public money, may be verified as the full amount for which they ought severally to account.

14. What balances remain due by collectors, inspectors, and all other public accountants, after the lapse of the period within which they should have been accounted for, according to existing laws and regulations.

15. Whether, under the sanction of legislative enactment, and for the purpose of placing public accountants beyond the possible temptation of seeking private advantage, from the use of public monies, temporarily accumulating in their hands, it might or might not be expedient to conclude an arrangement with one of the chartered banks, by which that institution would become the sole depository of public monies, and the medium of payment of all public debts.

16. Whether it be practicable to simplify the public accounts, by reducing the number of distinct funds, among which, as now classified, the receipts and payments on account of revenue and expenditure are distributed.

17. Whether the method hitherto pursued, of issuing a separate warrant for each payment, might or might not, on account of the public service, be advantageously modified, so far as relates to fixed and regular heads of expenditure;—a single warrant, for instance, being issued to the chief officer of a department, for the aggregate amount of all sums required at a particular period, and payable to the individuals of that department.

18. Whether the office of inspector-general, as at present organized and constituted, be adequate, or more than adequate, to the effectual examination and control of all the accounts and returns of public receipts and disbursements, rendered to this department.

19. Whether the salaries allowed in this department are sufficient, or more than sufficient, as a compensation for the duties performed; and whether there be any necessity for an increase, or a reduction of the assistance at present afforded.

20. Whether every item of receipt and expenditure, in which the public have any interest, be regularly and duly brought under the review of this department;—if not, the committee will state the particulars of any failure or omission, with their suggestions thereupon.

As the object of the appointment of the commission is to investigate generally all matters of public interest connected with the several departments, this committee will understand, that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the full spirit of the same, they are to pursue any course of investigation which may appear to them expedient.

No. 48.  
Sir Geo. Arthur  
to Lord John Russell.  
Nov. 22, 1839.

Encl. in No. 48.

## RECEIVER-GENERAL'S AND OTHER OFFICES.

### Committee No. 2.

#### MEMBERS:

The Honourable William Allan.  
The Honourable W. H. Draper.  
The Provincial Secretary.  
The Inspector-General.  
The Honourable J. S. Macaulay.  
The Honourable Mr. Justice Jones.  
Henry Sherwood, Esq., Q.C.

This committee will inquire into the present state of the undermentioned offices, and the nature of the duties performed in each of them, viz., the offices of—

1. The Receiver-General of the Province;
2. The Commissioner of Crown Lands;
3. The Surveyor-General of Woods and Forests;
4. The Secretary of the Clergy Corporation;
5. The Surveyor-General of Lands;
6. The Chief Agent for Emigration;
7. The Agent for the sale of Clergy Reserves;
8. The subject of "School Lands."

The committee will direct its attention to the following points:—

1. The manner in which public monies, including fees, are received and accounted for, at all the above-mentioned offices; the present state of the receipt, and the manner of appropriation of such monies.

2. The checks, whereby the accuracy of the money transactions in each of those offices is tested; and the method (if any) whereby they may be rendered more effective.

3. The balance in the hands of each of the above-mentioned officers, under every head of service, and its place of custody: that is, whether it be in the personal custody of any officer of each department, or placed in some bank as an official deposit, or as an ordinary one, blended in a common account with private funds, or kept in some other place of supposed security.

4. The outstanding accounts which may be due, or about to become due to the Crown, or to any public trust or institution; whether the same may arise from sales of lands, interest due on sales, rents of lands, or any other source whatever.

5. The names of the accountants who may be in default, and the amount and cause of such default; whether the arrears in such cases be in course of liquidation and collection; and whether proper means have been taken to prevent, as far as possible, the recurrence of similar irregularities, by means of strict checks, and (with reference to the sale or lease of lands) by a close adherence to established regulations.

6. The system generally, upon which the receiver-general's office is conducted: more especially with respect to the distribution of business among the clerks of that department—in which, it is obvious, that the duties of cashier and general book-keeper should rigorously be kept separate and distinct from each other.

7. The mode adopted in the management of the public debt, and whether the issue and redemption of debentures be conducted by the receiver-general upon the most correct, convenient, and satisfactory method.

8. The system generally pursued in the office of the surveyor-general of lands; and whether any modification of it be expedient under present circumstances, for promoting the convenience of settlers, and facilitating the general transaction of business, connected with that department.

9. Whether any improvement be, or be not practicable in the mode of conducting that branch of service, now entrusted to the secretary of the clergy corporation.

10. Whether the salaries allowed in the several departments hereinbefore specified, be sufficient, or more than sufficient, as compensation for the duties performed; and whether there be any necessity for an increase or a reduction of the assistance at present afforded.

As the object of the appointment of the commission is to investigate generally all matters of public interest, connected with the several departments, this committee will understand, that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the full spirit of the same, they are to pursue any course of investigation which may appear to them expedient.



## EXECUTIVE COUNCIL.

No. 48  
Sir Geo. Arthur  
to Lord John Russell.

Nov. 22, 1939.

Encl. in No. 48.

## Committee No. 3.

## MEMBERS :

The Honourable Mr. Justice Macaulay.  
The Receiver-General.  
The Attorney-General.  
The Civil Secretary.

This committee will consider the constitution of the Executive Council; and after a due investigation of the business and duties of that body, will report—

1. Whether the Council, in its constitution, be adapted to the transaction of the business which now devolves on it; or whether any change in that respect be practicable and expedient.

2. Whether any additional duties should devolve on this Board; or whether, on the other hand, any duties now performed by it, should be transferred to other departments of the public service.

3. Whether, in particular, the Council, in its character as a board of audit, be, in all respects, suited to present exigencies, and the increasing pressure of public business.

4. What may be the nature and description of the accounts, and claims upon the public chest, which are usually submitted to the Council for final audit; whether they previously undergo due investigation in every other department; and if not, whether such previous investigation be desirable, and in what manner it may be most satisfactorily performed.

5. Whether it be expedient to make any change in the mode and form of submitting matters of public business to the final review and determination of the Lieutenant-Governor in Council.

6. Whether the accommodation provided for the Council be sufficient for the convenient discharge of its duties.

7. Whether the salaries allowed in this department be sufficient, or more than sufficient, as compensation for the duties performed; and whether there be any necessity for an increase or reduction of the assistance at present afforded.

As the object of the appointment of the Commission is to investigate generally all matters of public interest connected with the several departments, this committee will understand, that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the full spirit of the same, they are to pursue any course of investigation which may appear to them expedient.

N. B. The vacancy occasioned by the death of the late clerk of the Executive Council will remain open, until the committee shall have reported how far, in their judgment the Council, under its present organization and system, can efficiently dispose of the important details of business which must continue to claim its attention.

## INDIAN AFFAIRS.

## Committee No. 4.

## MEMBERS.

His Honour the Vice Chancellor.  
The Honourable Mr. Justice Macaulay.  
William Hepburn, Esq.

This committee will take up two subjects: first, they will endeavour to ascertain the present condition, both in a moral and political point of view, of the different tribes forming the Indian population: also, what lands or annuities of any kind they possess; and, secondly, they will consider what alteration and amendment may be beneficially introduced in the mode of conducting the Indian department.

With respect to the first division of this subject, the committee will ascertain, as far as it can be done, the number both of those Indians who are settled amongst the white population in this province, and those who are resident in the uncultivated portions of the British empire on this continent.

2. The committee should endeavour to ascertain the number of births, deaths, and marriages among the various tribes, during the last few years; with a view to determine, from such data, how far an increase or a decrease of population may have been the effect of civilization.

3. What are the distinguishing characteristics of the different tribes, in regard to habits, manners, customs, &c.; and what are the chief difficulties to be overcome, in the way of improving their social condition.

4. Among which of the tribes there exists the greatest degree of similarity, so as to warrant the conclusion that they would associate amicably together, if settled in one locality.

5. The present state of these settlements of Indians in the midst of the white population: with reference particularly to the benefit or injury to which the Indian character is subjected by proximity to the whites: whether any change in the system of establishing settlements of Indians amongst the whites, might, or might not, be beneficially made.

6. The present state of the Indian settlement at the Great Manatoulin Island, both as regards the actual comfort and advantage, and the probable future prospect of their advance in civilization, by means of their settlement on that island.

7. The means of subsistence possessed by the unsettled Indians, and the best manner of engaging their attention to agricultural and commercial pursuits, particularly the manufacture of sugar, and the curing of fish, to an extent beyond what may be wanted for their own consumption; and to facilitate their means of doing so.

8. Whether it might be desirable to take any steps to prevent improper advantage being taken of the Indians, by traders and others with whom they have dealings; and what is the effect of the communication of the Indians with the fur traders in the north-west parts of Upper Canada.

9. What is the extent of the present means of affording education and religious instruction to the Indians. Which of the tribes have shown the greatest aptitude in benefiting by the instruction afforded them.

10. What measures would appear best adapted to effect the education of the Indian youth generally, and particularly with a view to the dissemination of Christianity amongst the unconverted Indians, by means of teachers of their own race, educated by the whites.

11. By what means might the Government, with propriety, lend assistance in furtherance of the missionary system.

As to the Indian department, the committee will consider:—

1. The system adopted in paying the annuities to the several Indian tribes; and whether it be not susceptible of improvement.

2. The mode of taking care of the Indian reserved lands, at present adopted, and whether great alterations and improvements might not be effected, much to the advantage of the Indians.

3. The course to be adopted with respect to squatters upon Indian lands, whether altogether without authority, or under colour of recognized titles obtained from individuals amongst the Indians; and how far the Act recently passed will be likely to afford efficient protection to the rights of the Indians.

4. Whether any, and what, alterations may be beneficially introduced in the mode of proceeding, at present adopted, as regards the annual Indian presents.

5. The present course of conducting the business of the Indian department, and whether in many respects beneficial alterations might not be made.

6. The present system of paying monies on account of the Indians, by warrant of the Governor, directed to the commissariat department, alone, without any check on the part of any other department of the Government; and whether some system of check might not be advantageously introduced.

7. Whether the salaries allowed in this department are sufficient, or more than sufficient, as a compensation for the duties performed; and whether there be any necessity for an increase, or a reduction of the assistance, at present afforded.

As the object of the appointment of the Commission is to investigate generally all matters of public interest connected with the several departments, this committee will understand, that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the full spirit of the same, they are to pursue any course of investigation, which may appear to them expedient.

## EDUCATION.

### Committee No. 5.

#### MEMBERS:—

The Reverend John M'Caul, D.D.

The Reverend H. J. Grasett.

The Civil Secretary.

This committee will ascertain the state of all school funds; the extent to which they may be made available for their legitimate objects; and will state the amount of such additional aid as may be requisite to carry into effectual operation an enlarged scheme of popular education.

They will examine into the past and present state of education throughout the province, and into the efficiency of the means for promoting it which have been heretofore employed.

They will frame such a plan as will appear to them to be the best calculated to afford the best possible kind of education to the community, at the least possible expense; and will prepare the same, so as to allow of a bill which shall embody it, being submitted to the Legislature at their next meeting.

They will institute an inquiry with reference to the constitution of King's College University, and also to the lands forming its endowment—the revenue derived from them, and the objects to which it has been applied; stating also, how, in future, it may be most beneficially employed.

As the object of the appointment of the Commission is to investigate generally, all matters of public interest connected with the several departments, this committee will understand, that they are not restricted to limit their inquiries by the strict letter of the foregoing queries;

No. 48.  
Sir Geo. Arthur  
to Lord John Russell.  
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No. 48.  
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but that, in the spirit of the same, they are to pursue any course of investigation, which may appear to them expedient.

## SHERIFFS, AND CLERK OF THE CROWN AND PLEAS.

### Committee No. 6.

#### MEMBERS:—

Their Honours the Judges.

This committee will inquire into the manner in which the duties of these important offices have been performed.

They will consider whether any alteration is required in the amount and description of the security furnished by the sheriffs, under the existing law, for the due performance of their duties.

They will further consider whether the monies of suitors coming into the hands of sheriffs, or their officers, when not promptly paid over to the parties to whom they belong, might not advantageously be placed in deposit in one of the chartered banks, instead of being left in the sheriff's possession.

They will ascertain if monies collected by the sheriffs on behalf of the Crown, are regularly and promptly transmitted by them to the Receiver-General; and if not, they will suggest such arrangements as will best insure punctuality and exactitude.

They will inquire into the mode and expense of conveying prisoners from one place to another; and will suggest any measures of improvement that may seem to them expedient.

In connexion with the duties of the sheriffs, the committee will report generally upon the state of the public gaols, and the system of discipline pursued in them.

As regards the office of clerk of the Crown and Pleas, the committee will inquire into the nature and extent of the duties appertaining to it; and will report any changes of arrangement which they may think advisable.

They will consider also the extent and nature of the emoluments; the assistance necessary for the efficient performance of the duties of the office; and the advisability of substituting fixed salaries for fees, as the mode of remuneration.

As the object of the appointment of the commission is to investigate generally all matters of public interest connected with the several departments, this committee will understand that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the spirit of the same, they are to pursue any course of investigation which may appear to them expedient.

## COURTS OF REQUEST,

AND COMMISSIONERS OF THOSE COURTS.

### Committee No. 7.

#### MEMBERS:—The Law Officers.

This committee will examine the constitution of these Courts in their present state, and consider their efficiency as at present constituted; and whether some alteration in the law might not be made, by which they would be rendered more useful to the community.

Whether some mode of investigating the conduct of the commissioners, upon complaints being made against them by the public, might not be rendered effective.

Whether it would be practicable or beneficial to do away with the present system of compensating the commissioners by fees, and to substitute a fixed but moderate annual stipend, levied either by assessment on the district, or by a tax on each suit, collected by the clerk, and paid to the commissioners by the treasurer of the district; or whether an improvement in the system could be effected in some other and better manner.

Whether it might be practicable to provide for the recovery of small debts in a manner more consistent with the fixed principles of law and equity, by dispensing with the services of the numerous commissioners, now sitting in the Courts of Request, and by substituting a system of occasional Circuit Courts through each district, by the judge of the District Court, with summary powers of decision to the extent of 10*l.*, and liberty of appeal to a jury, at the ensuing regular term of District Court, in all cases above 5*l.*, or by some other system.

As the object of the appointment of the commission is to investigate generally all matters of public interest connected with the several departments, this committee will understand that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the spirit of the same, they are to pursue any course of investigation which may appear to them expedient.

## MILITIA.

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Committee No. 8.

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No. 48.  
Sir Geo. Arthur  
to Lord John Russell.  
Nov. 22, 1839.

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Encl. in No. 48.

## MEMBERS:

The Honourable Mr. Justice M'Lean.  
Colonel Chichester.  
Henry Sherwood Esq.

This committee will inquire generally into the state of the militia service; the effect of the present militia laws; and will suggest any improvements, of which, as it may appear to them, those laws may be susceptible.

They will inquire into the extent and nature of the duties pertaining to the office of Adjutant-General of Militia, with a view to consider whether any, and if so, what improvements may be introduced in the method which has been hitherto pursued of conducting the business of that department.

The committee will further ascertain whether regular returns are made to the Adjutant-General of fees and fines paid and levied under the militia law; and whether they appear to be duly paid to the Receiver-General, and accounted for to the Inspector-General.

They will also ascertain whether the salaries allowed in this department are sufficient, or more than sufficient, as a compensation for the duties performed; and whether there be any necessity for an increase or a diminution of the assistance at present afforded.

As the object of the appointment of the commission is to investigate generally all matters of public interest connected with the several departments, this committee will understand that they are not restricted to limit their inquiries by the strict letter of the foregoing queries; but that, in the spirit of the same, they are to pursue any course of investigation which may appear to them expedient.

(Signed) GEORGE ARTHUR.

By his Excellency's command.

(Signed) S. B. HARRISON.



C A N A D A.

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CORRESPONDENCE

RELATIVE TO THE

A F F A I R S   O F   C A N A D A.

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PART III.

U P P E R   C A N A D A.

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Presented to both Houses of Parliament by Command of Her Majesty.

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LONDON:  
PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD-STREET,  
FOR HER MAJESTY'S STATIONERY OFFICE.

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1840.





## SCHEDULE.

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4. The Marquis of Normanby to Sir G. Arthur	June 27	Surplus Revenue of the Local Post-office	8
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U P P E R   C A N A D A.

FINANCIAL, &c.

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From the Marquis of Normanby and Lord John Russell  
to Sir G. Arthur, K.C.H.

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## SCHEDULE.

### UPPER CANADA.—FINANCIAL, &c.

#### FROM THE MARQUIS OF NORMANBY AND LORD JOHN RUSSELL.

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9. Lord John Russell to Sir G. Arthur - -	Sept. 12	Petition from the United Synod of the Presbyterian Church Upper Canada, respecting the distribution of Clergy Re- serves—Acknt. of Despatch of July 27	11
10. Lord John Russell to Sir G. Arthur - -	Oct. 10	Returns showing the Religious Census of the Population of Upper Canada— Acknt. of Despatch of Aug. 14 - -	11
11. Lord John Russell to Sir G. Arthur - -	Oct. 12	Decision of Her Majesty's Government respecting the Five Reserved Bills, viz.—Disposal of Clergy Reserves—Ap- propriation of Casual and Territorial Revenue—Claims during Rebellion— Issue of Bills of Credit—Negotiation of Debentures - - - - -	11
12. Lord John Russell to Sir G. Arthur - -	Nov. 6	Advancement of Education, confirming Bill for—Acknt. of Despatches of May 14, June 8, and July 27 - - -	13
13. Lord John Russell to Sir G. Arthur - -	Nov. 15	Measures for facilitating Emigration— Acknt. of Despatch of Sept. 11 - -	14
14. Lord John Russell to Sir G. Arthur - -	Nov. 20	Measures for the Relief of Commuted Pensioners settled in Upper Canada— Acknt. of Despatch of July 29 - -	14
15. Lord John Russell to Sir G. Arthur - -	Nov. 29	Order confirming the Bill for Negotiating of Debentures for the completion of cer- tain Works - - - - -	1



## UPPER CANADA.

FINANCIAL, &amp;c.

COPIES or EXTRACTS of CORRESPONDENCE relative to the Affairs of  
UPPER CANADA.

From the Marquis of Normanby and Lord John Russell.

No. 1.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 26th June, 1839.

As you inform me in your Despatch of the 14th May, No. 108, that you purpose to address to me a separate communication on each of the Bills passed by the Legislative Council and Assembly of Upper Canada, and reserved by you for the signification of Her Majesty's pleasure, I shall of course postpone, until I receive those communications, the advice which I may feel called on to tender to Her Majesty in respect to these Bills. But, with reference to the Bill for disposing of the Clergy Reserves, I wish to call your attention to one point on which it is necessary that I should receive information.

By the 42d section of the statute 31 Geo. III., c. 31, it is provided that no Act passed in conformity with the preceding sections for altering or repealing any part of that statute, or affecting in any way the king's prerogative, shall be valid or effectual, "unless the Legislative Council and Assembly of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieut.-Governor, or person administering the Government of such Province, an Address or Addresses specifying that such Act contains provisions for some of the purposes hereinbefore specified, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of Her Majesty's assent thereto."

It is evident that the Bill now before me comes within the scope of this provision, but I do not find in your despatches any allusion to this point, although in your speech at the close of the session you advert to an Address on the subject presented to you by the Legislature. I would request you to furnish me with the necessary information on this point, but you will of course distinctly understand that, in specially calling your attention to this question of form, I do not pronounce any opinion on the essential principles of the Bill, nor in any way indicate the advice which, on a more mature consideration of its provisions, I may feel it my duty to tender to Her Majesty.

I have, &amp;c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed) NORMANBY.

No. 1.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
26th June, 1839.

## No. 2.

(No. 69.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 27th June, 1839.

No. 2.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
27th June, 1839.  
Transmitted in No.  
102 of 11th May.  
Page 22.

I HAVE had the honour to lay before The Queen the Address from the House of Assembly of Upper Canada, praying that the advances, which have been made from the Provincial Treasury as compensation to individuals who have sustained losses in consequence of the late rebellion, and of the repeated invasions of Upper Canada by American citizens, may be repaid from the imperial revenue.

The Queen commands me to instruct you to express to the Assembly Her Majesty's regret that she cannot hold out any prospect that Parliament will grant the indemnity to the Provincial Treasury proposed in this Address. In undertaking the whole charge of the military defence of the Province, Parliament has subjected the revenue of this kingdom to a burthen of very great extent and pressure; and it does not appear to The Queen probable that the House of Commons would think it just towards the people of this country to subject them to the additional charge contemplated by the House of Assembly.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

## No. 3.

(No. 70.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 27th June, 1839.

No. 3.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
27th June, 1839.  
Transmitted in No.  
102 of 11th May.  
Page 21.

I HAVE had the honour to lay before The Queen the Addresses of the Legislative Council of Upper Canada, praying that redress may be afforded to the persons who sustained losses by the destruction, in an American port, of the steam-boat "Sir R. Peel," and also to those of Her Majesty's loyal subjects who have suffered in their persons and property in consequence of the repeated Invasions of Upper Canada, by citizens of the United States.

The Queen commands me to instruct you to acquaint the Legislative Council, that Her Majesty has been pleased to direct this Address to be referred to Her Secretary of State for Foreign Affairs, for his opinion and report on the subject. Until the close of the pending negotiations with the Government of the United States, it will not be in Her Majesty's power to return any more explicit answer to this Address.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

## No. 4.

(No. 71.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut. Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 27th June, 1839.

No. 4.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
27th June, 1839.  
Transmitted in No.  
102 of 11th May.  
Page 20.

I HAVE had the honour to lay before The Queen the Address of the Legislative Council and House of Assembly of Upper Canada, praying that the surplus revenue of the Local Post Office may be placed at their disposal, and that the privilege of franking may be conceded to the Members during the Sessions of the Legislature.

The Queen commands me to instruct you to acquaint the Council and Assembly



that Her Majesty has been pleased to refer this Address to the Lords Commissioners of Her Treasury, for their opinion and Report on the subject.

When received, their Lordship's Report will be communicated to you for the information of the Legislature.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

No. 4.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
27th June, 1839.

No. 5.

(No. 73.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 27th June, 1839.

I HAVE had the honour to lay before The Queen the joint Address of the Legislative Council and House of Assembly of Upper Canada, praying for aid from this country towards the completion of the public Works in that province, and towards opening a navigable communication with the ocean.

The Queen commands me to instruct you to acquaint the Council and Assembly that Her Majesty is deeply sensible of the importance of the objects contemplated in this Address, and that She has been pleased to direct it to be referred to the Lords Commissioners of Her Treasury for their Report how far the negociation of a loan for such purposes could be recommended to Parliament, consistently with a due regard for the financial interests of the empire at large. Their Lordships' report will be communicated to you for the information of the two Houses of the Provincial Legislature.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

No. 5.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
27th June, 1839.  
Transmitted in  
No. 102 of 11th  
May. Page 19.

No. 6.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir G. ARTHUR, K.C.H.

(Separate.)

SIR,

Downing-street, 30th June, 1839.

IN my despatches of the dates and numbers mentioned in the margin, I have acknowledged and answered, with one exception, the Addresses to the Throne, which accompanied your despatch of the 11th May last, No. 102. That exception is the address from the Assembly, praying that the Civil List Bill may be assented to, notwithstanding the omission of the charges hitherto borne on the casual and territorial revenue for religious purposes.

You will readily understand that this is a question of very great difficulty, and as you have announced your intention of furnishing me with a report on the several addresses and reserved Bills passed during the Session, I postpone the consideration of it until I shall have received that report. I trust, however, to be able to communicate to you the answer of The Queen to this Address, previously to the next meeting of the Colonial Legislature.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

No. 6.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
30th June, 1839.  
No. 69, 27th June.  
" 70, "  
" 71, "  
" 72, "  
" 73, "

## No. 7.

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir GEORGE ARTHUR, K.C.H.

(Separate.)

SIR,

Downing-street, 3rd July, 1839.

No. 7.  
The Marquis of  
Normanby to  
Sir G. Arthur  
3rd July, 1839.

SINCE I wrote to you my despatch, marked "separate" of the 30th ultimo, I have determined to consult Viscount Palmerston and the Lords of the Admiralty, as to the answer which it will be proper to advise The Queen to return to the Address of the Council and Assembly of Upper Canada, on the subject of the services and claims of Commander Drew. I therefore defer, for the present, an official answer to that Address.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY.

## No. 8.

(No. 93.)

COPY of a DESPATCH from the Marquis of NORMANBY to Lieut.-Governor  
Sir GEORGE ARTHUR, K.C.H.

SIR,

Downing-street, 13th August, 1839.

No. 8.  
The Marquis of  
Normanby to  
Sir G. Arthur.  
13th August, 1839.

WITH reference to my despatch of the 27th June, No. 71, in which I informed you, that, by The Queen's command, I had referred, for the consideration of the Lords Commissioners of the Treasury, the Address to Her Majesty of the Legislative Council and House of Assembly of Upper Canada, praying that the surplus revenue of the post office in the province, might be placed at their disposal, and that the privilege of franking might be conceded to the Members of the Legislature during its sessions, I have now the honour to acquaint you that their Lordships have stated their opinion to be that, adverting to the very comprehensive alteration about to be made in the mode of carrying on the post office communication between Great Britain and the North American Provinces, it would be very undesirable to adopt at present any new arrangement for effecting the objects contemplated by the Address of the Legislature of Upper Canada.

I have, at the same time, to call your attention to the provisions of the Imperial Statute 4 and 5 Will. IV., cap. 7, which formed the subject of Mr. Spring Rice's Circular Despatch of the 5th October, 1834, and to observe that, before sanctioning in any one province an alteration in the existing law, Her Majesty's Government deem it essential, to the satisfactory management of this important department, that the previous concurrence of the several legislatures should be obtained, to a system applicable alike to the whole.

You will have the goodness to communicate this Despatch to the Council and Assembly, as forming Her Majesty's answer to their Address.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) NORMANBY



No. 9.

(No. 3.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 12th Sept., 1839.

I HAVE to acknowledge the receipt of your despatch, No. 161, of the 27th of July last, enclosing a petition to Her Majesty, from the United Synod of the Presbyterian church of Upper Canada, convened in annual meeting at Cavan, praying that, in the distribution of the clergy reserves, an equal proportion may be awarded to them with other religious denominations.

I have to acquaint you in reply, that this petition has been laid before the Queen, and that Her Majesty has been pleased to receive the same very graciously.

I have, &c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 9.  
Lord John Russell  
to Sir G. Arthur.  
12th Sept. 1839.

No. 10.

(No. 18.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 10th Oct., 1839.

I HAVE to acknowledge the receipt of your despatch, No. 190, of the 14th ult., transmitting a general abstract of the returns, showing the religious census of the population of Upper Canada, which have been furnished by the Clerks of the Peace, on the requisition of the House of Assembly.

This document, inaccurate and incomplete as it is, for the reasons you have stated, is, nevertheless, of considerable value, as an approximation to the truth; and I should wish, if possible, that the means should be found of supplying its deficiencies, and of correcting any errors which are to be found in it. I fear, from the report you make of the imperfections of the returns themselves, from which the abstract is taken, that this will be impracticable without a new inquiry more carefully conducted. It is not improbable that the Assembly may themselves adopt measures for correcting and completing the returns; but should you find that no steps are taken for that purpose, it is my desire that you should bring the subject under the attention of the House.

I have, &c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 10.  
Lord John Russell  
to Sir G. Arthur.  
10th Oct. 1839.

No. 11.

(No. 20.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 12th Oct. 1839.

HER Majesty's Government having had under their consideration your several despatches, of the numbers and dates noted in the margin, containing various Bills which had been passed by the Legislature of Upper Canada during their last session, and which you had felt it your duty to reserve for the signification of Her Majesty's pleasure, I have now to furnish you with such observations as your communications on these Bills appear to require, and to announce to you the decision of Her Majesty upon them.

Your despatches, No. 110, No. 135, and "Separate," relate to the Bill passed by the Provincial Legislature, intituled "An Act to dispose of the lands, commonly called the Clergy Reserves, and for other purposes therein mentioned." As Her Majesty has, for the reasons which I shall hereafter state to you, been advised to withhold Her Assent from this Bill, it is unnecessary that I should further advert to the very clear and detailed statement which accompanies it, than to thank you for the exertions you have made, to place Her Majesty's Government in possession of all the information which could be required for the full consideration of this important question.

No. 11.  
Lord John Russell  
to Sir G. Arthur.  
12th Oct. 1839.  
No. 110, 14th May,  
" 115, 18th "  
" 131, 8th June.  
" 135, "  
Separate, 27th July.  
No. 1147.  
For Sir G. Arthur's  
Despatch of 14th  
May, No. 110, and  
8th June, No. 135,  
ride Papers ordered  
by the House of  
Lords to be printed  
26th Aug. 1839,  
No. 191, pages 18  
and 26, and ditto  
by the House of  
Commons 15th Aug.  
1839, No. 537,  
pages 18 and 26.

No. 11.  
Lord John Russell  
to Sir G. Arthur.  
12th Oct. 1839.

The delay which accidentally occurred in the transmission of the address from the Legislative Council and House of Assembly, contained in your Despatch of the 27th July last, would have prevented a compliance, before the termination of the last Session, with the provision of the Constitutional Act of 1791, which requires that the Bill should be laid before Parliament for 30 days before the Royal Assent is given. But another and more fatal difficulty has been found to present itself to the confirmation of this Bill by the Crown. The Bill proposes, under the authority of the 41st and 42nd sections of the 31 Geo. 3, c. 31, to repeal the clauses of that Act relating to the Clergy Reserves, and to the making provision for the Protestant clergy, and to provide that the land shall be sold, and the purchase-money be paid into the hands of the Receiver-General of the Province, *to be appropriated by the Imperial Parliament* for religious purposes. The effect of the Bill is, therefore, to refer to the Imperial Parliament the solution of the question relating to the Clergy Reserves. It appeared to Her Majesty's Government that very strong objections existed to this delegation to Parliament by a subordinate authority, of the powers of legislation, and that the more proper mode of attaining the object in view would have been, not by Bill, as is proposed, but by an address from the Legislature of the Province to the three estates of the realm, praying them to undertake the decision of the question. In the correctness of this view of the case, Her Majesty's Government are confirmed by the opinion of the law officers of the crown, who have reported that, although the Bill passed does not exceed the legal competency of the Provincial Legislature, yet that Her Majesty ought not to assent to such a Bill, the principle which it involves being quite novel, and one which might lead to very inconvenient consequences.

Under these circumstances, Her Majesty's Government have had no course open to them but to advise Her Majesty to withhold Her assent from this Bill. I need hardly state, that it is with regret Her Majesty's Government have witnessed the failure of this attempt to effect a settlement of this important matter. They trust, however, that this failure is but temporary, and that the opportunity will, at no distant period, be found for arriving at a wise and satisfactory adjustment of a question, which, from circumstances beyond their control, has been unfortunately so long delayed.

No. 1148.

The next reserved Bill to which I have to advert is that intituled "An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned."

Your despatch, No. 118, of the 18th of May, anticipates the objection which Her Majesty's Government have to urge against this Bill. It excludes from the protection of the Civil List, granted in exchange for the revenues ceded by the Crown, the provision hitherto made for the support of the Clergy. It is hardly necessary that I should state to you, that with such an omission Her Majesty could not be advised to assent to a Bill of this nature. It involves, as you have observed, a departure from the conditions on which Lord Glenelg proposed that the casual and territorial revenues should be surrendered—conditions which could not be departed from without a violation of the faith of the Crown, which is pledged to the maintenance of the Clergy from these revenues, under the arrangement of 1834.

The transfer of this charge to the fund derived from the Clergy Reserves offers, under the present state of that fund, no equivalent which, with a view to the interests of the parties, the Crown could be advised to accept.

On these grounds Her Majesty withholds her assent from this Bill.

No. 1150.

The third Bill to be considered is that intituled "An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this Province."

To this Bill in its present form I fear that Her Majesty's Assent cannot be given.

Her Majesty's Government readily concur in the propriety of the measure which it is the object of the Bill to effect; but they cannot undertake the obligation which, if it were sanctioned, would be imposed upon them by the Preamble of the Bill, of providing ultimately for the payment of this indemnity from the British Treasury. Such a principle Her Majesty's Government are not prepared to recognise; neither, if it were otherwise, would it be of any avail, unless with the previous sanction of Parliament.

Should a similar Bill be passed for this important object free from the objec



tion which I have pointed out, Her Majesty will be ready to concur in the enactment of it.

The next reserved Bill is intituled "An Act to authorize the issue of Bills of Credit," and to this Bill it has been judged necessary that the Royal Assent should be withheld. The confirmation of it would have thrown into circulation an amount of small inconvertible paper money to the extent of 250,000*l*. Her Majesty's Government are decidedly of opinion that such a step would be attended with most injurious effects on the currency and the monetary transactions of the Province and on the value of private property. But, anxious as they would be to concur in any financial measure which could be adopted for meeting the present exigencies of the Province, they feel that the value of any such measure is to be weighed not solely by consideration of present efficiency, but by the future effects which may be produced on the permanent welfare of the Colony. In this instance that present relief would, in their opinion, be attended not only with much immediate, but, from its nature, with much permanent evil; and they cannot, therefore, at such a risk, agree to this mode of sustaining for a time the transactions of the Local Treasury.

The suspended Bill, No. 1153, intituled "An Act to afford further facilities to negotiate debentures for the completion of certain works," has been confirmed by the Queen in Council.

I have thus placed you in possession of Her Majesty's decision in regard to five of the Bills passed by the Legislature of Upper Canada which had been reserved by you, for the signification of Her Majesty's pleasure.

I have confined myself to a brief explanation of the grounds on which the decision of each of them is founded, avoiding all observations on the very clear and elaborate statements which you have supplied respecting them. Having requested the immediate attention of the Governor-General to these measures, and referred him to your recent Despatches as the most convenient mode of obtaining a perfect knowledge of the subjects to which they relate, it has appeared to me to be premature to discuss the suggestions which you have submitted for the consideration of Her Majesty's Government. Such discussion will be more fitly and profitably undertaken when I shall be in possession of the combined opinions of the Governor-General and yourself; and I look with confidence to the result of your consultations on subjects which are so intimately connected with the welfare of the Canadas.

I have, &c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 11.  
Lord John Russell  
to Sir G. Arthur.  
12th Oct. 1839.  
No 1151.

No. 1153.

No. 12.

(No. 39.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

SIR,

Downing-street, 6th November, 1839.

I HAVE the honour to acknowledge the receipt of your several despatches named in the margin; the last enclosing transcripts of all the Acts passed by the Legislature of Upper Canada, during the recent session, and the two first relating to one of those Acts, namely, No. 1165, making provision for the advancement of Education in the Province. In acquainting you that Her Majesty has been pleased to confirm that Act, I take this opportunity of acknowledging the very able and elaborate manner in which you discussed this important subject in your despatch No. 134. In matters of this kind Her Majesty's Government defer to the opinion of the Provincial Legislature, and without hesitation, on the receipt of the transcript, advised Her Majesty to sanction this measure, which, I trust, will be found effectual for the laudable object which the Legislature contemplated in passing it.

With the exception of those named in the margin, (which are still under the consideration of Her Majesty's Government,) all these Acts have been left to their operation by the enclosed Order, passed by Her Majesty in Council on the 21st inst.

I have, &c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 12.  
Lord John Russell  
to Sir G. Arthur.  
6th Nov. 1839.  
No. 109, 14th May.  
" 134, 8th June.  
" 169, 27th July.

Chap. 3, No. 1158.  
" 13, " 1168.  
" 19, " 1174.  
" 38, " 1193.  
" 41, " 1196.  
No. 1156 to No.  
1226, except as  
marked above.

## No. 13.

(No. 45.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

No. 13.  
Lord John Russell  
to Sir G. Arthur.  
15th Nov. 1839.

SIR,

Downing-street, 15th November, 1839.

I HAVE to acknowledge the receipt of your despatch No. 187, of the 11th of September, in which you report the success which has attended the measures adopted by Colonel Wyndham for providing for a large body of emigrants, whom he has lately sent out to Upper Canada from his estates in Clare and Limerick.

I have read this account with much satisfaction, and I trust that the example of Colonel Wyndham will be followed by many other landlords. With a view to encourage such undertakings, I have felt it my duty to give the fullest publicity to the facts with which you have furnished me, and I enclose a copy of a letter from the Agent General for Emigration, respecting the measures which, under my instructions, he has adopted for this purpose.

For Despatch to the  
Governor-General,  
*vide* Canada Papers,  
1840, Part I. page  
16.

I likewise enclose a copy of a despatch which I addressed to the Governor-General on the receipt of your communication, in the hope that some local encouragement, of the nature therein described, could be afforded to emigration, and I should be glad if you would furnish Mr. Poulett Thomson with any suggestions which you may have to offer on this important subject.

I have, &amp;c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed) J. RUSSELL.

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Enclosure in No. 13.

SIR,

2, Middle Scotland Yard, 1st Nov., 1839.

Encl. in No. 13.

IN reference to your letter of the 26th ultimo, containing an account of the success of a party of emigrants sent out by Colonel Wyndham this year from the County of Clare to Upper Canada, I do myself the honour to state that, in pursuance of Lord John Russell's directions, I have instructed the several agents in Ireland to afford every advice and assistance to other landlords who might be disposed to adopt the same course, and, further, that I have taken steps which will procure a notice of the intelligence by the public press, both in England and Ireland.

I have, &amp;c.

(Signed) T. F. ELLIOT.

To James Stephen, Esq.

## No. 14.

(No. 49.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR, K.C.H.

No. 14.  
Lord John Russell  
to Sir G. Arthur.  
20th Nov. 1839.

SIR,

Downing-street, 20th November, 1839.

I HAVE received your despatch No. 173, of the 29th July last, reporting the arrangements which you have made for carrying into effect the Instructions of Her Majesty's Government for the relief of the Commuted Pensioners settled in Upper Canada.

Having communicated that despatch to the Lords Commissioners of the Treasury, I have the satisfaction to inform you that their Lordships have intimated to me their approval, for the present, of those arrangements, subject, however, to such other measures as it may be found advisable to adopt, on the receipt of further information as to the amount of expenditure thus to be incurred. I beg at the same time to impress on you the necessity of exercising the strictest economy in dispensing the bounty accorded to the Commuted Pensioners, and of taking care that due vigilance be observed to prevent any misapplication or abuse of it.

I have, &amp;c.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

(Signed) J. RUSSELL.



No. 15.

(No. 50.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G.  
ARTHUR, K.C.H.

SIR,

Downing-street, 29th November, 1839.

WITH reference to my despatch No. 20, of the 12th ultimo, I have now the honour to transmit to you, an order passed by Her Majesty in Council, on the 15th inst., specially confirming the Bill (No. 1153.) passed by the Legislative Council and Assembly of Upper Canada, and reserved, by you, for the signification of Her Majesty's pleasure, on the 11th May last, relating to the negotiating of debentures for the completion of certain works.

Sir G. Arthur, K.C.H.,  
&c. &c. &c.

I have, &c.  
(Signed) J. RUSSELL

No. 15.  
Lord John Russell  
to Sir G. Arthur.  
29th Nov. 1839.

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UPPER CANADA.

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FINANCIAL, &c.

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FROM

Lieutenant-Governor Sir George Arthur, K.C.H., to the  
Marquis of Normanby.

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## SCHEDULE.

### UPPER CANADA.—FINANCIAL, &c.

FROM LIEUT.-GOVERNOR SIR GEORGE ARTHUR, K.C.H.

No.	Date. 1839.	SUBJECT.	PAGE
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From Lieutenant-Governor Sir George Arthur, K.C.H.,  
to the Marquis of Normanby.

No. 1.

(No. 102.)

Extract of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to the Marquis of NORMANBY, dated Upper Canada, Toronto, 11th May, 1839.

No. 1.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 11, 1839.

I HAVE the honour to transmit to your Lordship, to be laid at the foot of the throne, the following addresses to Her Majesty from the Parliament of Upper Canada.

A joint address from both Houses, praying the adoption of such measures, by the Imperial Parliament, as will enable the Provincial Legislature to negotiate a loan for the completion of the public works, opening a navigable communication with the ocean.

No. 1.

A joint address, praying that the surplus revenue arising from the profits of the Post Office Department in Upper Canada may be surrendered to the control of the Provincial Legislature; and also that the members of the Legislature may be allowed the privilege of franking whilst in session.

No. 2.

A joint address, praying that some mark of the royal favour may be accorded to Captain Drew, of Her Majesty's navy, for the gallant conduct of that officer on the occasion of the destruction of the steam-boat *Caroline*.

No. 3.

An address from the Legislative Council, praying that redress may be afforded to those persons who sustained losses by the destruction of the steam-boat *Sir Robert Peel*; and also to those of Her Majesty's loyal subjects who have suffered in their persons and property, in consequence of the repeated invasions of Upper Canada, by citizens of the United States.

No. 4.

An address from the House of Assembly, praying that the Provincial Legislature may be indemnified from the Imperial Treasury, for such advances as may be made from provincial funds, as compensation to individuals in Upper Canada, who have sustained losses in consequence of the rebellion, and of the repeated invasions of the province by American citizens.

No. 5.

An address from the House of Assembly, praying that the casual and territorial revenue may be relieved from the charges at present imposed upon it for religious purposes.

No. 6.

Enclosure 1, in No. 1.

Encl. 1, in No. 1.

To the Queen's Most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, beg leave humbly to thank your Majesty for the gracious assurances which your Majesty has been pleased to give, of your Majesty's desire to promote the true interests and prosperity of the inhabitants of this province.

Confidently relying on your Majesty's protection and aid, we humbly pray your Majesty's favourable attention to the present situation of this province, and to the pressing exigencies and embarrassments under which it now labours.

We humbly recall to your Majesty's gracious consideration the views urged in the joint Address of this Legislature during the last session respecting the debts incurred by this province; the cause which have as yet prevented any return from the public works undertaken, and the reasons why aid should be afforded to us to secure their completion.

We also most humbly urge on your Majesty's attention that to the difficulties referred to in that address, have been superadded those arising from the political troubles and disturbances in the Lower Province; the brief insurrection in Upper Canada, and the painful and unsettled state of affairs resulting from the continued aggressions to which we have been subjected from the neighbouring states. These causes have checked immigration, as well as prevented the introduction and investment of capital among us, and deranged the whole business of the country.

The lucid and able exposition of our financial embarrassments which is contained in the despatch of his Excellency Sir George Arthur, your Majesty's Lieutenant-Governor of this

No. 1.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.

May 11, 1839.

Encl. 1, in No. 1.

For Sir G. Arthur's  
Despatch, 20th Nov.  
1838, *vide* Papers  
ordered by the House  
of Commons to be  
printed, 12th July,  
1839, No. 397.

province, dated the 20th November last, addressed to your Majesty's Secretary of State for the Colonies, renders it unnecessary for us to offer further observations on this subject, and respectfully praying your Majesty's renewed attention to our situation. We cannot refrain from expressing our most anxious hope that on further consideration a more favourable reply may be given to our respectful requests.

Your Majesty's faithful subjects in this province have abundantly proved by their conduct that they desire to maintain their allegiance, and are averse to any change in the form of government, or in the principles of their constitution; but at the same time we cannot help observing that the rapid strides which have been made in public improvements in the United States, and the consequent employment afforded to emigrants from your Majesty's dominions, are calculated to give rise to comparisons of a most disadvantageous character to Upper Canada, which it is the bounden duty of the Legislature to use the most strenuous efforts to remove.

We, therefore, most humbly pray that your Majesty may be graciously pleased to recommend to your Imperial Parliament the adoption of such measures, either by an extension of the credit of the mother country to us, or otherwise as will enable us to negotiate a loan for the completion of the public works opening a navigable communication with the ocean, a measure which will greatly tend to restore confidence and prosperity, and will leave the loyal inhabitants of this province "nothing to envy in the situation of the neighbouring states."

Legislative Council Chamber,  
6th May, 1839.

JONAS JONES, Speaker.

Commons House of Assembly,  
7th May, 1839.

ALLAN MACNAB, Speaker.

Encl. 2, in No. 1.

Enclosure 2, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and Commons of Upper Canada, in Provincial Parliament assembled, humbly beg leave to approach your Majesty and again to submit to your Majesty's consideration, that the financial affairs of this province render it necessary that we should possess all the means that may properly be at our disposal for its relief. We therefore humbly pray that your Majesty will be graciously pleased to recommend to your Imperial Parliament the passing of an Act providing that the surplus revenue growing out of the profits of the Post-office department of this province be paid into the hands of your Majesty's Receiver-general for Upper Canada, to be applied to such purposes, and to be accounted for in such manner as the Legislature of this province shall direct.

We also beg to state to your Majesty that this province is called on annually to pay from two to three thousand pounds for the postage on the correspondence (chiefly of a public nature) of the members of the Legislature during its sitting. We therefore hope that your Majesty will be pleased to take such steps as will ensure for the future the privilege of franking to the members of the Legislature of this province during the time they are in session, as is now the case in England.

Commons House of Assembly,  
18th day of April, 1839.

ALLAN N. MACNAB, Speaker.

Legislative Council Chamber,  
6th day of May, 1839.

JONAS JONES, Speaker.

Encl. 3, in No. 1.

Enclosure 3, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council and Commons House of Assembly of the province of Upper Canada, in Provincial Parliament assembled, most respectfully represent to your Majesty that it would be a source of unbounded satisfaction to us, if it should graciously please your Majesty to confer some mark of your royal approbation on a brave and gallant naval officer, who performed with equal skill, bravery, and discretion a most important public service, whilst an island belonging to your Majesty was invaded from the United States of America, by the citizens of that country, while professing to be at peace with your Majesty. These daring and desperate adventurers having occupied a portion of your Majesty's territory, held it in utter defiance of your Majesty's right and authority, by the employment of a piratical vessel called the "Caroline," which was conveying to this lawless assemblage of men, arms and munitions of war from the said States for the purpose of continuing a contest against your Majesty's possessions and authority. The destruction of this piratical vessel was confided, by the gallant officer who commanded the frontier of your Majesty's territory, to Andrew Drew, Esquire, a commander of the royal navy, whose bravery, skilfulness, and intrepidity was the theme of general admiration. And we, your Majesty's dutiful and loyal subjects, would be highly gratified should it comport with your Majesty's gracious wishes, that some mark of the royal favour should be manifested towards an officer



who proved how well he knew in what manner to support the glory of the British arms and the honour of his country.

Commons House of Assembly,  
8th day of May, 1839.

Legislative Council Chamber,  
10th day of May, 1839.

ALLAN MACNAB, Speaker.

JONAS JONES, Speaker.

No. 1.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 11, 1839.

Encl. 3, in No. 1.

Enclosure 4, in No. 1.

Encl. 4, in No. 1

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, humbly renew to your Majesty our warm and devoted assurances of attachment to your Majesty's person and government. Inhabiting a distant portion of your Majesty's extended empire, the people of Upper Canada, in times of the greatest danger and under the most trying circumstances, have boldly and faithfully maintained the supremacy of the British Crown in this province against all enemies, and have ever, when occasion required, freely exposed their lives and property in the defence of your Majesty's territory.

The loyalists of Upper Canada have, by their loyal resistance to the designs of your Majesty's enemies, exposed themselves to outrage and injury, which it is the object of this address to bring under your Majesty's royal notice.

Amongst other outrages suffered at the hands of citizens of states bordering upon this province, your Majesty's subjects have witnessed, with an indignation which nothing but their sense of duty to your Majesty have enabled them to restrain, the destruction by a band of armed men of the British steam-boat, *Sir Robert Peel*, while moored at an island within the state of New York, and in the peaceable pursuit of the usual trade and intercourse carried on between this province and the United States of America.

We most humbly represent to your Majesty that your Majesty's loyal subjects conceive themselves and their property safe under the protection of the British flag, and that an insult to that flag, or an injury to the persons or property sailing under it, is an insult and injury to the British nation.

We humbly claim for our fellow-subjects, through your Majesty, reparation for this injury from the Government, accountable for the acts of its citizens committed within its territory.

We also humbly pray your Majesty that your Majesty will be graciously pleased to cause redress to be afforded to those of your Majesty's loyal subjects who have suffered in their persons and property in consequence of incursions of armed men into your Majesty's province from the United States of America, divers of your Majesty's subjects have been slain and wounded, their vessels and houses have been burned, and their property has been plundered, by bands of men inhabiting the United States of America, and armed and organized within their territory.

We most humbly conceive that the Governments of civilized countries are held answerable for the acts of all under their legitimate control, and when we remember the glorious achievement of the British navy in the destruction of the piratical city of Algiers, in vindication of the rights of British subjects, we cannot but feel confident that the redress for injuries suffered by the people of Upper Canada at the hands of Americans, will be demanded with effect by a British sovereign.

We feel encouraged in addressing your Majesty on this subject by the remembrance of the proclamations of your Majesty's representatives in this province, to which the people of Upper Canada have yielded implicit obedience. They have respected the persons and property of American citizens, they have confined their armed operations strictly to defence and self-preservation; they have left vindication of their rights and redress for their injuries with loyal confidence to the source at which they now constitutionally seek for right and justice—the Government, swayed by their gracious and beloved Queen.

We have no hope of redress for your Majesty's Upper Canadian subjects to result from any private representations or solicitations on the part of the sufferers to the authorities in the United States; and as regards this subject, we humbly reiterate a statement of facts which must ever be present in the minds of Upper Canadians, when circumstances bring the questions of national honour and national protection under consideration.

In the year 1812, and previous to the last war with the United States, a schooner, called the *Lord Nelson*, sailing under the British flag and owned by subjects of the British Crown, was captured on Lake Ontario, and was afterwards purchased by the United States Government into the American navy.

This outrage against national law has never been denied or attempted to be palliated; nay, it has even been so far publicly acknowledged that a Bill for redress was for a time favourably entertained in the United States legislature; but party spirit proved too strong for the private rights of British subjects, and the sufferers are yet unredressed.

We most humbly pray your Majesty to consider the case of your Majesty's injured subjects, and let them not suffer the consequences of delay or protracted negotiation.

Your Majesty's subjects have suffered because of their devoted loyalty. The injuries inflicted upon them were intended to be, and can only be considered as national wrongs; and we most humbly suggest to your Majesty that private sufferers should first be indemnified by the nation against whom the outrage has been committed. And thus the cheerful loyalty and

No. 1.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 11, 1839.  
Encl. 4, in No. 1.

obedience which has distinguished Upper Canada will cease to have the appearance of subjecting individuals to the ruinous chances of piratical aggression, and redress can ultimately be procured upon the equal terms implied in a demand for public reparation for a public injury.

Legislative Council Chamber,  
25th day of April, 1839.

JONAS JONES, Speaker.

Encl. 5, in No. 1.

Enclosure 5, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave humbly to represent to your Majesty, that during the present session we have had presented to us very numerous petitions from our constituents praying to be remunerated for losses and injuries sustained by them in consequence of the late unnatural rebellion in this province, as well as from a series of unparalleled invasions and aggressions by the subjects of a neighbouring republic, professing to be at peace with your Majesty.

Knowing as we do the urgency of the demands thus made upon us, we have to the utmost of our power provided for their speedy payment, notwithstanding the embarrassed state of our finances, and the conviction that they are charges which, to a great extent, are not such as should be made upon our provincial revenue. And we assure your Majesty, that nothing but the knowledge of the pressing want of our loyal fellow-subjects who have thus suffered, would have induced us to consider claims which, we humbly submit, should for the greater part be paid by the Imperial Government, which alone has the power to compel foreign nations to indemnify those who may suffer from the aggressions of their subjects.

We, however, rely with confidence on the justice and integrity which have ever distinguished the sovereigns of the powerful empire to which it is our pride to owe allegiance, and feel assured that when we shall have ascertained the amount and character of the various demands which we may be called upon to satisfy, your Majesty will be graciously pleased to cause the same to be reimbursed to us from the Imperial Treasury.

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,  
4th day of May, 1839.

Encl. 6, in No. 1.

Enclosure 6, in No. 1.

To the Queen's Most Excellent MAJESTY.

Most Gracious Sovereign,

We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, have taken into our serious consideration the reply of your Majesty's Principal Secretary of State for the Colonies, dated 25th May, 1838, to our address to your Majesty on the subject of the casual and territorial revenue of this province, adopted at the last session, (dated 26th February, 1838,) which declines the removal of the charges already made in this fund for religious purposes.

We had hoped the surrender of this source of revenue would have been a means of assisting in the payment of the interest on our public debt, incurred for improving our main communication to the sea, but find with regret, that this fund is left burthened with charges which, after the payment of the instalments due by the Canada Company in 1842, will not meet its expenses.

We assure your Majesty of our sincere desire to make ample provision for the support of the government of the province, and for every other necessary and judicious expenditure, and have passed a Bill, in compliance with all the provisions contained in the before mentioned despatch, with the exception of those relating to religious grants, which we regret to find this revenue in future will be inadequate to sustain; which Bill we humbly pray your Majesty may be graciously pleased to accede to, by which the minds of your Majesty's faithful subjects in this province will be relieved on this important measure.

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,  
27th day of April, 1839.

No. 2.

(No. 109.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

No. 2.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839.

MY LORD,

Upper Canada, Toronto, 14th May, 1839.

AMONG the Bills passed during the recent session of the Provincial Legislature, to which the royal assent has been given, is one (No. 1165) providing



for the appropriation of the funds intended for the use of the University of King's College to the support of district grammar-schools.

This measure is very popular; and the desire for it has been occasioned partly by the delay which has taken place in carrying the plan of the university into practical operation, and partly by the prevalent opinion that, in the present state of education in the province, a general diffusion of the means of instruction would be more beneficial than the application of the whole available means, to the establishment of a metropolitan seat of learning. The grammar-schools are certainly much required in the country; and I readily gave my concurrence to the very laudable wish of the members of the legislature to have opportunities of bestowing liberal education upon the youth of the province placed more generally within the reach of its inhabitants.

Your Lordship will have perceived, by a paragraph in my speech, that the royal assent has also been given to a Bill (No. 1168), authorizing the further suspension of specie payments by the banks until the 1st of June, 1840.

I found that, without placing myself in direct opposition to the views of the majority of the legislature, and to the interests of the commercial community, I could not withhold my concurrence to this measure; and as a discretionary power had been left me in the matter by Her Majesty's Government, I had the less hesitation in adopting that course which I considered to be expedient.

These are the only observations which I at present desire to make respecting the Bills which have been sanctioned; but I shall shortly take occasion to report to your Lordship upon the whole collectively.

I have the honour to enclose a printed copy of the Report of the Select Committee of the House of Assembly, which, as I informed your Lordship in my despatch No. 87, of the 12th ultimo, had been appointed to report on the state of the province: and your Lordship will observe that the committee have availed themselves of this opportunity to comment on portions of the Earl of Durham's report relating to the affairs of Upper Canada. This report of the committee was afterwards concurred in by a majority of the House.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquis of Normanby,  
&c. &c. &c.

GEO. ARTHUR.

No. 2.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839.

*Vide* Correspondence  
relative to the Affairs  
of Canada, 1840.  
Part 2, p. 122.

For Report of Select  
Committee of House  
of Assembly *vide*  
Correspondence rela-  
tive to the Affairs of  
Canada. Ordered to  
be printed June 1839.  
p. 8.

(No. 1165.)

Enclosure in No. 2.

Encl. in No. 2.

An Act to provide for the ADVANCEMENT of EDUCATION in this PROVINCE.

[Passed 11th May, 1839.]

WHEREAS it is very desirable to afford every encouragement to the advancement of education throughout the province: And whereas His late most Gracious Majesty George the Third was pleased to direct that a quantity of the waste lands of the Crown should be set apart for the endowment of grammar-schools and also of a university: And whereas a royal charter has been granted incorporating the University of King's College, which has been endowed by a grant of lands from the Crown: And whereas Upper Canada College has, by an Act of the legislature, been incorporated with, and now forms an appendage to such university: And whereas the advancement of education will be better promoted by devoting a portion of the annual revenues of King's College to the support of Upper Canada College and Grammar-Schools for several years to come, than by the erection of a university in the present state of education in the province: And whereas Upper Canada College, with some changes easily effected, would afford sufficient accommodation to the public as a provincial seat of learning, until it should be deemed requisite to erect the university: And whereas it is expedient to appoint trustees for each grammar-school in the several districts, to superintend the schools to be established under the provisions of this Act, and to see to the application of the monies appropriated to their support: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the several district schools in this province shall be, and are hereby declared to be grammar-schools, as contemplated by His late most Gracious Majesty King George the Third, at the time the said reservation of land was directed to be made as aforesaid.

II. And be it further enacted by the authority aforesaid, That there shall be constituted and appointed by the Lieutenant-Governor a Board of Trustees to each and every grammar-school in the several districts of this province, consisting of not less than five members, three of whom shall be a quorum, who shall have the superintendence of the grammar-schools esta-

No. 2.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.

May 14, 1839.

Encl. in No. 2.

blished in the several districts of this province, and receive the money authorized to be paid under this Act.

III. And be it further enacted by the authority aforesaid, That the money now remaining in the Receiver-General's hands unexpended, arising from the sales of school lands, or which may come into his hands, applicable to the purposes of this Act, shall be invested in the debentures of this province at six per cent. interest, and the proceeds placed under the control of the council of King's College for the purposes of this Act, to be by the said council distributed amongst such districts as in their opinion more immediately require assistance, owing to the state of the school-house, or other circumstances.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant-Governor, by and with the advice of the Executive Council, to set apart two hundred and fifty thousand acres of the waste lands of the Crown in this province, to be sold in like manner as other Crown lands, at a price of not less than ten shillings per acre, and the proceeds thereof paid into the hands of the Receiver-General from time to time, to be appropriated in such manner, and for the grammar-schools, as hereinbefore provided.

V. And be it further enacted by the authority aforesaid, That a sum not exceeding one hundred pounds per annum may be advanced to each of the said Boards of Trustees, from time to time, out of any monies in the hands of the Receiver-General applicable to the purposes of this Act; and should such monies be insufficient, it shall and may be lawful for the council of King's College, in their discretion, to appropriate a sufficient sum from the annual revenues thereof to make up the deficiency, to be applied in providing an additional master, and other means of instruction, for the grammar-schools in each district respectively: Provided always, that no portion of the principal money arising from the sale of lands granted to King's College shall be so appropriated, but merely the interest or rents thereof.

VI. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful for the said council of King's College first to appropriate a proportion of the revenues thereof, not exceeding one-half, to the support, extension and maintenance, of Upper Canada College, until it shall be deemed necessary to erect the university.

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the board of trustees in any district now constituted or hereafter to be constituted, to receive out of any monies in the hands of the Receiver-General applicable to the purposes of this Act, a sum not exceeding two hundred pounds, to aid in the erection of a suitable building for a school-house in each district; provided an equal sum shall be raised by subscription among the inhabitants for the like object, and provided they shall ensure the permanent insurance of such building.

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant-Governor to authorise a sum not exceeding one hundred pounds per annum for each school to be paid to any board of trustees, for the use and support of two other schools than the one in the town where the court-house is situated, in any town or village in which the inhabitants shall provide a suitable school-house, at which not less than 60 scholars shall be educated; Provided any such additional school shall not be within six miles of the district town; And provided always, that nothing herein contained shall prevent the council of King's College from extending the aid to four grammar-schools (including the said two), other than the one established in the district town, should the said council deem it expedient.

IX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the council of King's College to make such rules, regulations and by-laws, for the conduct and good government of the several schools established under this Act, as to such council shall seem proper.

X. And be it further enacted by the authority aforesaid, That an account in detail of the sums received and expended under the provisions of this Act shall be rendered to the Lieutenant-Governor annually, in order that the same may be laid before the Legislature within thirty days after the commencement of each session.

### No. 3.

(No. 108.)

Copy of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 14th May, 1839.

I HAD the honour to inform your Lordship in my Despatch of yesterday, No. 104, that the session of the Provincial Parliament was closed on the 11th instant, and to transmit to you a copy of the speech delivered on the occasion.

After the protracted and conflicting proceedings which have taken place, it is satisfactory to me to state that the measures which the Government had an interest in bringing to a settlement, have been successfully carried through, and that several useful Bills have been passed.

I have the honour to enclose a Schedule of Titles to Bills passed during the Session, and a list of the reserved Bills, with the Report of the Attorney-General upon them; and I propose to transmit shortly to your Lordship a separate Despatch upon the subject of each Bill.

No. 3.  
Sir Geo. Arthur  
to the Marquis of  
Normanby,  
May 14, 1839.  
For Despatch 104,  
13th May, *vide* Cor-  
respondence relative  
to the Affairs of Ca-  
nada, 1840, Part 2,  
p. 122.

No. 1.

No. 2.



I am sorry to have had occasion to reserve so many Bills, but it has appeared to me unavoidable.

It will be, I am persuaded, satisfactory to your Lordship to learn that the most cordial harmony has existed between the legislative bodies and the executive government throughout the Session; Addresses presented to me by the Legislative Council and House of Assembly, your Lordship will find in the accompanying Gazette.

In consequence of the decision of the Legislature on many important measures having been deferred until the latest moment, the Executive Council had not sufficient time allowed them for the mature consideration of all the Bills on which they had to deliver an opinion; and I fear that, in one or two instances, inaccuracies have been overlooked which might have been otherwise corrected.

Many of the Bills were not, indeed, sent in until the very morning of the prorogation; and the inconvenience occasioned was, consequently, very great.

I have, &c.

(Signed)

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c.

No. 3.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839.

Enclosure 1, in No. 3.

SCHEDULE of TITLES to BILLS passed during the Fourth Session of the Thirteenth Parliament of the Province of Upper Canada, in the Second Year of the Reign of Her Most Gracious Majesty Queen Victoria, 1839.

Encl. 1, in No. 3.

Fol.	No.	Titles.
1,156	1	An Act to amend the Law enabling married Women to convey their real Estates within this Province.
1,157	2	An Act to alter and amend the Law relating to the appointment of Commissioners of the Court of King's Bench in the several Districts of this Province.
1,158	3	An Act to extend and continue, for a limited Period, the Provisions of an Act passed in the first year of Her Majesty's Reign, entitled "An Act to provide for the disposal of the Public Lands in this Province."
1,159	4	An Act to provide for the payment of Costs in certain Cases of Informations at the Suit of the Crown, and for other Purposes therein mentioned.
1,160	5	An Act to extend the Period for imposing an additional Rate upon the intended new District of Colborne.
1,161	6	An Act to continue and make permanent an Act passed in the third year of the Reign of King William the Fourth, entitled "An Act to continue the Duty upon Licences to Hawkers and Pedlers."
1,162	7	An Act granting a Sum of Money to complete the Construction of a Macadamized Road from the Village of Dundas to the Township of Waterloo, in the Gore District.
1,163	8	An Act to limit the Period for the Owners of Lands making Claims for Damages already occasioned by the Construction of the Rideau Canal, and for other Purposes therein mentioned.
1,164	9	An Act granting a further sum of Money for the Purpose of completing the Macadamized Road between the Town of Kingston and the Village of Napanee, in the Midland District.
1,165	10	An Act to alter and amend an Act passed in the First Year of Her Majesty's reign, entitled "An Act to erect certain Townships, now forming Parts of the Districts of Bathurst, Johnstown, and Ottawa into a separate District, to be called the District of Dalhousie."
1,166	11	An Act to grant a Pension to the Widow and Children of the late Captain Edgeworth Ussher.
1,167	12	An Act for the relief of Teachers of Common Schools in the District of Niagara.
1,168	13	An Act to revive and continue, for a limited time, the second Clause of an Act passed in the ninth year of the Reign of King George the Fourth, entitled "An Act to secure to and confer upon certain Inhabitants of this Province the Civil and Political Rights of natural born British Subjects."
1,169	14	An Act to continue and make permanent an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to revive and continue an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled 'An Act prescribing the mode of measuring the contents of Wooden Stills, also for fixing the rate of Duty to be paid on all Stills used for the distillation of Spirituous Liquors within this Province.'"

SCHEDULE OF TITLES TO BILLS, &c.—*continued.*

No. 3.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839.  
Encl. 1, in No. 3.

Fol.	No.	Titles.
1,170	15	An Act to authorize the Trustees of the Market Reserve, in the Town of Niagara, to raise a sum of Money for certain purposes therein mentioned.
1,171	16	An Act granting to Her Majesty a sum of Money for the improvement of the Post Road between Cornwall and L'Original.
1,172	17	An Act to authorize the erection of an Asylum within this Province for the reception of Insane and Lunatic Persons.
1,173	18	An Act to continue and make perpetual an Act passed in the fifty-fifth year of the Reign of His late Majesty King George the Third, entitled "An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled 'An Act to supply in certain cases the want of County Courts in this Province,' and to make further provision for proceeding to Outlawry in certain cases therein mentioned."
1,174	19	An Act to make good certain monies advanced in compliance with two several Addresses of the House of Assembly during the last Session for the contingent expenses of the Legislature of this Province.
1,175	20	An Act to extend the Provisions of an Act passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, entitled "An Act to repeal an Ordinance of the Province of Quebec passed in the twenty-fifth year of His Majesty's Reign, entitled 'An Ordinance concerning Land Surveyors and the Admeasurement of Lands,' and also to extend the Provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, entitled 'An Act to ascertain and establish on a permanent footing the boundary lines of the different Townships in this Province,' and further to regulate the manner in which lands are hereafter to be surveyed."
1,176	21	An Act to amend an Act passed in the first year of Her Majesty's Reign, entitled "An Act to incorporate the Town of Kingston, under the name of the Mayor and Common Council of the Town of Kingston."
1,177	22	An Act granting One thousand pounds for opening and improving a road from London, in the London District, to the River St. Clair, in the Western District.
1,178	23	An Act to increase the Salary of the Adjutant-General of Militia of this Province.
1,179	24	An Act authorizing the Trustees of certain Lands in Peterborough for the use of the Roman Catholic Church to dispose of the same.
1,180	25	An Act to increase the Capital Stock of the Cobourg Harbour Company, and to extend the period for completing the said Harbour.
1,181	26	An Act to alter and amend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to incorporate sundry persons under the Style and Title of the President, Directors, and Company of the Gore Bank."
1,182	27	An Act to incorporate certain Persons under the Style and Title of "The President, Directors, and Company of the Bayfield Harbour."
1,183	28	An Act to continue and make perpetual an Act passed in the fifth year of the Reign of King William the Fourth, entitled "An Act to promote the Public Health, and to guard against infectious Diseases in this Province."
1,184	29	An Act to assign Duties to certain Commissioners, and for other purposes therein mentioned.
1,185	30	An Act to continue in force, amend, and make perpetual an Act passed in the fourth year of His late Majesty's Reign, entitled "An Act to provide for the Summary Punishment of Petty Trespasses and other Offences."
1,186	31	An Act to authorize the Court of King's Bench to admit Adam Ainslie to practise as an Attorney in that Court, and to authorize the Vice Chancellor to admit him to practise as a Solicitor in the Court of Chancery in this Province.
1,187	32	An Act to incorporate certain Persons under the Style and Title of the College of Physicians and Surgeons of Upper Canada.
1,188	33	An Act to amend an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled "An Act for the Preservation of Deer within this Province," and to extend the provisions of the same, and to prohibit Hunting and Shooting on the Lord's day.
1,189	34	An Act to authorize the raising of One thousand pounds by an additional rate, or levy of one half-penny in the pound upon the inhabitants of the Western District, for the purpose of relieving the said District from debt, and of enabling the Justices of the Peace of that District to repair and improve the Gaol at Sandwich.
1,190	35	An Act to alter and amend an Act passed in the first year of Her Majesty's Reign, entitled "An Act to authorize the Erection of the County of Huron, and certain other Territory adjacent thereto, into a separate District."
1,191	36	An Act to regulate the Name and Style of the Court established under the authority of an Act of the Provincial Parliament passed in the thirty-fourth year of the Reign of King George the Third, entitled "An Act to



SCHEDULE OF TITLES TO BILLS, &c.—*continued.*

No. 3.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839.

Encl. 1, in No. 3.

Fol.	No.	Titles.
		establish a superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal."
1,192	37	An Act to provide for the Advancement of Education in this Province.
1,193	38	An Act for making, repairing, and improving the road from Amherstburgh to Sandwich, and from thence to Chatham, in the Western District, and for constructing and repairing Bridges thereon.
1,194	39	An Act to continue and make permanent an Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled "An Act to prevent the Consumption of Spirituous Liquors in Shops."
1,195	40	An Act to Amend an Act, entitled "An Act to incorporate certain Persons under the Style and Title of the Waterloo Bridge Company."
1,196	41	An Act to extend the Provisions of an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled "An Act to authorize the erection of the County of Oxford into a separate District, by the name of the District of Brock."
1,197	42	An Act to continue and make permanent a certain Act passed in the fourth year of the reign of King George the Fourth, entitled "An Act to repeal an Act passed in the forty-fifth year of His late Majesty's reign, entitled 'An Act to regulate the Trial of Controverted Elections or Returns of Members to serve in the House of Assembly, and to make more effectual Provision for such Trials;' and also a certain other Act, passed in the eighth year of the reign of King George the Fourth, entitled 'An Act to continue and amend the Laws now in force for the Trial of Controverted Elections.'"
1,198	43	An Act to continue and make permanent an Act passed in the eleventh year of the reign of King George the Fourth, entitled "An Act to revive and continue, with certain modifications, an Act passed in the fifty-ninth year of His late Majesty's reign, entitled 'An Act to alter the Laws now in force for granting Licences to Innkeepers, and to give to the Justices of the Peace in General Quarter Sessions assembled for their respective districts, authority to regulate the Duties hereafter to be paid on such Licenses.'"
1,199	44	An Act to prevent the Felling of Trees into certain Rivers and Creeks within this Province.
1,200	45	An Act granting a certain Sum of Money to defray the Expenses of the Civil Government for the year 1839, and for other purposes therein mentioned.
1,201	46	An Act to continue and make permanent an Act passed in the fifth year of the reign of His late Majesty King William the Fourth, entitled "An Act to continue and amend the Law for attaching the Property of absconding Debtors."
1,202	47	An Act to afford Relief to Robert Brown, Esq.
1,203	48	An Act granting a Sum of Money to remunerate Bernard Turquand for certain Services therein mentioned.
1,204	49	An Act to render valid the late Elections for Aldermen and Councilm for the town of Kingston.
1,205	50	An Act to establish a second Market in the town of Hamilton, to enable the Corporation of the said town to effect a loan, and for other purposes therein mentioned.
1,206	51	An Act to make further Provision for the Completion of the Improvement of the Navigation of the Inland Waters of the district of Newcastle.
1,207	52	An Act to provide for the Completion of the Gull Island Light-house.
1,208	53	An Act for the Protection of the Lands of the Crown in this Province from Trespass and Injury.
1,209	54	An Act to authorize the Magistrates of the Home District to borrow a Sum of Money for the purpose of completing the new Gaol and Court-house.
1,210	55	An Act granting a Sum of Money to improve and keep in repair the Kettle Creek Harbour at Port Stanley.
1,211	56	An Act granting a Sum of Money for the Maintenance and Support of the General Hospital of the city of Toronto.
1,212	57	An Act to authorize the Magistrates of the Midland District to borrow a Sum of Money to build a Wall around the Gaol and Court-house of the Midland District.
1,213	58	An Act to revive and continue, with certain Limitations, an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, entitled "An Act granting to His Majesty a Sum of Money for the Erection of certain Light-houses within the Province, and for other purposes therein mentioned."
1,214	59	An Act to make Provision for the Payment of certain Losses sustained by sundry individuals therein named.
1,215	60	An Act to continue in force, for a limited period, the Laws authorizing the Chartered Banks in this Province to suspend the Redemption of their Notes in Specie, under certain Regulations.
1,216	61	An Act to continue and make perpetual an Act entitled "An Act to increase the Salary of the Keeper of the False Ducks Light-house."

SCHEDULE OF TITLES TO BILLS, &c.—*continued.*

No. 3.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839.  
Encl. 1, in No. 3.

Fol.	No.	Titles.
1,217	62	An Act to repeal, alter, and amend the Militia Laws of this Province.
1,218	63	An Act granting a Sum of Money for the Support of Common Schools for the year 1839.
1,219	64	An Act granting to Her Majesty a Sum of Money to improve the Cayuga Road from Drummondville to Simcoe.
1,220	65	An Act to amend an Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled "An Act granting to His Majesty a sum of money for the erection of certain Lighthouses within this Province, and for other purposes therein mentioned."
1,221	66	An Act to provide for the further support of the Provincial Penitentiary.
1,222	67	An Act to extend the provisions of an Act passed in the seventh year of the Reign of His late Majesty, entitled "An Act to alter and amend an Act passed during the last Session of the Legislature, entitled 'An Act granting to His Majesty a sum of money for the improvement of the Roads and Bridges in the several Districts of this Province.'"
1,223	68	An Act to make valid and to confirm the admission of John Bristowe, Esq., as a Solicitor in the Court of Chancery, in this Province.
1,224	69	An Act granting a further sum, by way of Loan, to complete the Hamilton and Brantford Road, and for other purposes therein mentioned.
1,225	70	An Act to continue and make permanent an Act passed in the fourth year of the Reign of King William the Fourth, entitled "An Act to regulate Line Fences and Watercourses, and to repeal so much of an Act passed in thirty-third year of the Reign of His late Majesty King George the Third," entitled "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province, as relates to the Office of Fence Viewers being discharged by Overseers of Highways and Roads."
1,226	71	An Act granting a certain sum of money for the maintenance and support of the House of Industry in the City of Toronto.
RESERVED BILLS.		
1,147	1	An Act to dispose of the Lands commonly called "Clergy Reserves," and for other purposes therein mentioned.
1,148	2	An Act to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned.
1,149	3	An Act to regulate the value at which Gold and Silver Coins shall pass current within this Province.
1,150	4	An Act to ascertain and provide for the payment of all just Claims arising from the late Rebellion and Invasions of this Province.
1,151	5	An Act to authorize the issue of Bills of Credit.
1,152	6	An Act to authorize the purchase of the Private Stock in the Welland Canal on the part of this Province, and for other purposes therein mentioned.
1,153	7	An Act to afford further facilities to negotiate Debentures for the completion of certain Works.
1,154	8	An Act to make provision for the division of the intended new District of Colborne into two Counties.
1,155	9	An Act to enable Her Majesty to make a grant of Land to James Fitz Gibbon, Esq.

For Act No. 1147, *vide*  
Papers ordered by the  
House of Lords to be  
printed, 26th Aug. 1839,  
No. 1911; ditto, by the  
Commons, 15th Aug.  
1839, No. 537.

For Act No. 1148,  
*vide* page 33.

For Act No. 1150,  
*vide* page 46.

For Act No. 1151,  
*vide* page 45.

For Act No. 1152,  
*vide* page 49.

For Act No. 1153,  
*vide* page 46.

R. A. TUCKER, Provincial Secretary.

Provincial Secretary's Office,  
Toronto, 14th May, 1839.



Enclosure 2, in No. 3.

*Attorney General's Office, Toronto. 13th May, 1839.*

No. 3.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839. }  
Encl. 2, in No. 3.

(Copy)

Report on the Bills passed by the Honourable the Legislative Council and House of Assembly during the last session of the Provincial Legislature, and reserved by his Excellency the Lieutenant Governor for the signification of Her Majesty's pleasure thereon.

I.

"AN ACT to make Provision for the Division of the intended new District of Colborne into two Counties."

There is nothing in this Bill requiring particular observation, further, than by its adoption, the representation of the district to which it refers would be increased two members.

II.

"AN ACT to regulate the Value at which Gold and Silver Coins shall pass current within this Province."

This Bill is intended to fix the value at which gold and silver coins, including foreign coin, shall pass current, and be a legal tender in this province.

It further provides for the punishment of persons guilty of counterfeiting, or passing counterfeit gold, or silver coins, of the description enumerated in the Bill.

III.

"AN ACT to enable Her Majesty to make a Grant of Land to James Fitzgibbon, Esquire."

This Bill is intended to remove any legal objection to making a grant of 5,000 acres of land to Colonel Fitzgibbon.

IV.

"AN ACT to afford further Facilities to negotiate Debentures for the Completion of certain Works."

By this Bill authority is given to the Lieutenant-Governor and Council to direct the Receiver-General to sell the public debentures, now authorized by law to be issued, "to the best advantage," in order to realize sums amounting in all to 125,805*l.*, appropriated during the session just ended. The effect of this Bill is to remove the restrictions in former Acts, which prevent the sale of the provincial debentures for a sum less than *par*.

V.

"AN ACT to authorize the issue of Bills of Credit."

The Lieutenant-Governor and Council is by this Bill empowered to direct the Receiver-General to issue bills of credit in sums not less than 1*l.*, bearing interest at 6 per cent, payable one year after date, to the amount of 250,000*l.* The Receiver-General, public accountants, and public officers, are required to receive them in payment.

It is probable that the Legislature intended that they should be so received on account of the province, and not in payment of private debts due to the parties mentioned, but it is not so stated in the Bill.

The clause usually introduced in Acts of this description for the punishment of parties who may be guilty of forgery is omitted.

The other clauses of the Bill are that interest on the bills shall cease when in the hands of public accountants, that the Receiver-General shall render an account to the Legislature of the expense incurred in issuing, and the amount issued; and preventing the use of the bills in completing any public work "until the interest upon the sum advanced upon any such public work shall be first paid."

VI.

"AN ACT to ascertain and provide for the Payment of all just Claims arising from the late Rebellion and Invasions of this Province."

This Bill provides for the appointment of three Commissioners for each district of the province to inquire into losses sustained by Her Majesty's subjects, and other residents within the province, during and in consequence of the late rebellion and invasions from the United States, and appropriates a sum not exceeding 40,000*l.* for the payment of those losses; which sum, it is further provided, may be in whole or in part paid from "any debentures or public bills of credit which shall or may hereafter be issued in aid of the public service;" and also that "such debentures or bills of credit shall be a legal tender for the whole, or in part of any such claims."

VII.

"AN ACT to authorize the Purchase of the Private Stock in the Welland Canal, on the part of the Province, and for other Purposes therein mentioned."

By this Bill, authority is given to the Lieutenant-Governor to issue debentures to the private stockholders, or to such of them as may agree to dispose of their stock in the Welland Canal, amounting to 117,800*l.*, which debentures shall be redeemable in 20 years from their date, and bear an interest of two per cent. for the first two years, three per cent. for the third, four per cent. for the fourth, five per cent. for the fifth, and six per cent. for the sixth and subsequent years; principal and interest being chargeable on the general revenues of the province.

It is further provided by the Bill that, so soon as the tolls collected on the canal shall

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amount to 30,000*l.* per annum, debentures shall be issued to the original stockholders, or their legal representatives, for such sum as will make up six per cent. interest on the amount of stock paid in to the time of issuing the first-mentioned debentures; and so soon as two-thirds of the stockholders shall have agreed to dispose of their stock, on the terms mentioned, the entire control of the canal to be vested in the Government.

## VIII.

"AN ACT to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned."

This Bill has been passed with the intention of carrying into effect the terms on which Her Majesty has consented to surrender the revenues referred to in the title. The deficiencies of the measures will best appear by comparing it with the despatches from the Secretary of State, referring to the subject.

## IX.

"AN ACT to dispose of the Lands commonly called the 'Clergy Reserves,' and for other Purposes therein mentioned."

This Bill repeals the 36th and 37th clauses of the Act of the Imperial Parliament, 31 Geo. III., c. 31, and enacts that all the ungranted lands, reserved for the maintenance of a Protestant clergy (with the exception of such as have been disposed of by agreement, but for which no patent has issued), be sold in the same manner as Crown lands are sold in the province, and the proceeds thereof, together with sums due or hereafter to become due on sales of the reserves heretofore made, to be paid into the hands of Her Majesty's Receiver-General of the province, to be applied by the Imperial Parliament for religious purposes.

(Signed) CHR. A. HAGERMAN, Attorney-General.

## Enclosure 3, in No. 3.

Encl. 3, in No. 3.

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c., &c., &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Legislative Council of Upper Canada, in Provincial Parliament assembled, beg leave to approach your Excellency with an ardent expression of gratitude, in which we feel confident that the inhabitants of the province warmly concur, for the firm, energetic, and judicious measures, which have distinguished your Excellency's administration of the affairs of this province, during a period of unexampled difficulty and alarm.

We desire to express our unqualified approval of that happy mixture of lenity and firmness which, under the blessing of Almighty God, would appear to have insured, as well the safety of the province, as to have secured for your Excellency the confidence and approbation of the people committed by our Gracious Sovereign to your charge.

Legislative Council Chamber,  
22d day of April, 1839.

## His Excellency's REPLY.

Honourable Gentlemen,

I receive this most gratifying address with feelings of the deepest satisfaction; and I return you my sincere and cordial thanks for the favourable terms in which you are pleased to express your sense of the beneficial consequences that have resulted from my administration of the government of this province, during a period of extraordinary difficulty and responsibility.

The testimony you have thus borne to my exertions for the security and welfare of the inhabitants of Upper Canada, will, I am persuaded, prove very acceptable to our most Gracious Sovereign, whose earnest desire it is to promote the prosperity and happiness of her people throughout all parts of her widely extended dominions.

## Enclosure 4, in No. 3.

Encl. 4, in No. 3.

To his Excellency Sir George Arthur, Knight Commander of the Royal Hanoverian Guelphic Order, Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding Her Majesty's Forces therein, &c., &c., &c.

May it please your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in provincial Parliament assembled, adverting to that part of your Excellency's speech, at the opening of the session, which refers to the decisive measures taken by your Excellency to give immediate confidence to the country, and to insure the security of the province against the designs and efforts of wicked and lawless conspirators, issuing from a neighbouring professedly friendly state, feel it our duty to express to your Excellency, in a more distinct manner than we have hitherto done, the deep and grateful sense we entertain of the vigour and promptitude displayed by your Excellency, in guarding against and defeating the criminal attempts of these enemies of our peace and welfare.

Recalling to mind the events of the past six months, we cannot but feel conscious that,



under Divine Providence, we owe to your Excellency's foresight and energy, those early and well-matured preparations which, by rousing into action the gallant and determined spirit of the people of the country, in defence of their institutions, and placing them in the same front of danger with Her Majesty's regular forces, rendered abortive every effort of treason or foreign lawless aggression; and prevented that succession of attacks, to which the least success at the commencement would have given rise.

We are fully conscious, that in adopting this course, your Excellency must have incurred weighty responsibilities, such as few would venture to assume; but, while expressing our own decided conviction of their absolute necessity for the safety of the province, we feel a deep and lively satisfaction at the assurance contained in the Speech from the Throne, recently addressed by our Gracious Queen to the Imperial Parliament, that your Excellency has but anticipated the commands of Her Majesty, to uphold and protect, at any cost, Her faithful people in this remote portion of Her dominions; and we cannot refrain, on this occasion, from the expression of our most anxious hope, that this firm and vigorous course will be followed up, until Her Majesty's subjects, who have suffered in person and property, have received full indemnity for past injuries, and security against future attacks.

We feel it incumbent on us, on this occasion, further to state to your Excellency, that we are fully sensible, that among the duties growing out of the peculiar state of things which has existed in this province, during the period of your Excellency's administration, the disposal of the convicted traitors and brigands, has been most painful and difficult; and we beg to assure your Excellency, that while we express our deep obligation for the firmness with which you sanctioned the infliction of such punishments, as the security of the country imperatively demanded, we are fully sensible, that your whole conduct has evinced a disposition to exercise mercy, in a degree that could not have been expected, even by our enemies: and to which, they must themselves admit, they had but slender claims.

In conclusion, we beg leave to renew to your Excellency, our assurances of constant and cordial support, in all measures calculated to promote the true interests and happiness of the people of this province, and the safety, honour, and welfare of our Sovereign and Her dominions.

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,  
10th day of April, 1839.

His Excellency's REPLY.

Gentlemen,

It is a great gratification to me to find, that the measures adopted for the defence and security of the province, have proved so satisfactory to the country; and I am persuaded, that the expression of your sentiments on this subject, will be most acceptable to his Excellency the Commander of the Forces, by whom military aid was so promptly afforded.

Your decided concurrence in the course of justice and mercy, that has been pursued during a period of unexampled difficulty, is a source of indescribable comfort to my mind; and I value most highly your assurances of continued and cordial support.

No. 4.

(No. 118.)

Copy of a DESPATCH from Lieutenant-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Upper Canada, Toronto, 18th May, 1839.

AMONG the nine Bills, passed by the Legislative Council and Assembly, during the recent session of the Provincial Parliament which I have felt it to be my duty to reserve for the signification of Her Majesty's pleasure thereon, is one for the transfer of the casual and territorial revenue to the Colonial Legislature; and, as the necessity of reserving it arose from a material deviation in some important points from the terms annexed to the cession of that province by your Lordship's predecessor, the provincial secretary has, by my direction, compared the conditions prescribed by Lord Glenelg's despatch (No. 7) of the 28th December, 1837, with the actual provisions of the Bill, and prepared the accompanying statement showing in what respects they agree, and in what particulars they differ from each other. He has, also, in some instances, suggested the probable cause of the variance between them.

The causes of several of those differences will be further explained by the copies I now transmit of certain amendments proposed by the Legislative Council, and of some resolutions of the House of Assembly on the subject of that Bill, together with a certificate from the clerk of the House of Assembly, establishing the very singular fact, that some of the leading defects of the Bill, in the shape in which it ultimately passed through the two houses of the Legislature, were occasioned by mistakes in transcribing it.

No. 3.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 14, 1839.  
Encl. 4, in No. 3.

No. 4.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 18, 1839.  
No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 4.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 18, 1839.

I must confess that I am not at all surprised at this error.

A mass of Bills, of which this was one, only passed the House of Assembly, and were sent to the Legislative Council at the latest moment of the session; and, literally, were not forwarded to me until the very hour fixed for the prorogation, which was in consequence deferred for a few hours.

From the remarks made in one of his speeches, I perceive Sir John Colborne had occasion to complain of the same inconvenience during his administration; and, certainly, it is a very great one.

The principal defects in the Act are:—

First. No provision is made for the payment, amounting to the sum of 6,995*l.*, for the support of religion, an item which constitutes one of the conditions on which the casual and territorial revenue was proposed to be surrendered by Lord Glenelg.

The House of Assembly, in their Address to The Queen, pray that this charge may be transferred to and borne upon the funds derived from the clergy reserves.

To this proposition the objection is, that, *at present*, the clergy reserve fund is unable to bear the charge; in the course of two or three years the transfer may probably be made.

Second. No provision is made for the payment of 10,000*l.* towards the erection of a barrack at Toronto.

The House, as will be seen by their resolution, intended to make this provision, which was, indeed, it appears, introduced in the original Bill; they only wished, under the present pressure, their funds to be allowed time; but, in transcribing the Bill, the clause was, negligently, altogether omitted, and the error was not detected until it was irremediable during the existing session.

Third. The lands ceded by the Indians, Lord Glenelg intended should not merge into the general mass of lands from which the territorial revenue is derived, but should be kept distinct from them as a fund out of which the expenditure for Indian presents should be defrayed. It would therefore appear necessary that some provincial statute should have been passed to accomplish this.

But such an Act, certainly would not meet the concurrence of the House of Assembly. It was rather an oversight, perhaps, that my predecessor was directed to introduce a Bill regulating the disposal of the lands by the Provincial Parliament before the civil list was adjusted.

These measures should have gone together, and have been dependent on each other. The object to be gained would have been a greater inducement to the House of Assembly to have acquiesced in the reasonable terms on which Lord Glenelg proposed to cede the casual and territorial revenue.

I incline, however, to think that this ceded territory need not have much weight in the question. For many years it could never be made available for such a purpose as Lord Glenelg proposed, and I much doubt whether the terms of that cession must not undergo some considerable modification.

Notwithstanding the opinion which has been entertained by others, my interviews with the Indians oblige me to respect many of them as very intelligent; and, in their money and land concerns, peculiarly acute; and how they are to be made to comprehend the equity of first ceding certain lands, and then that out of the proceeds of the same land their *presents* are provided, I am at a loss to understand!

On their first interview with a new Governor the chief brings forth the Wampum, on which is described a vessel freighted with *presents* from the sovereign with whom they have made a solemn treaty, and I do believe if they knew that out of their own lands these presents were defrayed that they would receive the tidings with great irritation.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,

GEO. ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.



Enclosure 1, in No. 4.

(No. 1148.)

No. 1.

AN ACT to appropriate the Casual and Territorial Revenue, and for other purposes therein mentioned.

This Bill reserved for the signification of Her Majesty's pleasure thereon on Saturday, the 11th day of May, 1839.

R. A. TUCKER, Provisional Secretary.

Most Gracious Sovereign,

WHEREAS his late Most Gracious Majesty was pleased in a despatch to his Excellency Sir Francis Bond Head, dated the 15th of December, 1835, and sent down to the House of Assembly on the 30th day of January, 1836, to signify to his faithful Commons of the province of Upper Canada, that his Majesty would surrender up to their control and disposal the proceeds of his Majesty's hereditary, territorial, and casual revenues, and of all his Majesty's woods, mines, and royalties now in hand; or which may hereafter during the continuance of this Act, to be collected in this province, on a sufficient sum being secured to his Majesty, his heirs and successors, for the support of the civil government of this province, and for other purposes as set forth in the message of his Excellency the Lieutenant-Governor, sent down to the said House of Assembly on the 14th day of February, 1837.

And whereas we, your Majesty's dutiful and loyal subjects the Commons of Upper Canada in provincial Parliament assembled, do give and grant unto your Majesty, your heirs and successors, the sums hereinafter mentioned for the purposes aforesaid, payable out of the joint revenues of this province.

We therefore beseech your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the 14th year of his Majesty, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and make further provision for the Government of the said Province,' and by the authority of the same, that the proceeds of all and every the said hereditary, territorial, and casual revenues, and the proceeds of all sales and leases of Crown lands, woods, mines, and royalties which have been collected and are now in hand, and which shall be collected hereafter during the continuance of this Act (except the monies which shall be expended in the collection and protection thereof specially authorized and provided for by the third section of this Act) shall immediately be payable to the Receiver-General of this province, who is hereby authorized to receive the same for the uses of this province; and from and after the expiration of this Act the proceeds of all the hereditary territorial and casual revenues, and of the said lands, woods, mines, and royalties, shall revert to and be payable and paid to Her Majesty, her heirs and successors. And be it further enacted by the authority aforesaid, that there be granted to Her Majesty, her heirs and successors, for and during the whole period of the continuance of this Act, the annual sum of 5,326*l.* 3*s.* 4*d.* current money of this province, from and out of the joint revenues of said province, in preference to all other charges or payments which have heretofore been or which shall hereafter be made upon or payable from the said revenues, which said sum of 5,326*l.* 3*s.* 4*d.* current money as aforesaid shall be applied for defraying the charges in this clause mentioned, and for no other purpose whatever, as follows; that is to say,—the additional salary of the Lieutenant-Governor (being in lieu of all fees of every description) the sum of 1,666*l.* 13*s.* 4*d.* current money of this province. Salary of the Secretary and Registrar, the sum of 666*l.* 13*s.* 4*d.* Salary of the Surveyor-General (embracing the duty of Commissioner of Crown Lands and Surveyor-General of Woods), 1,000*l.*; contingent expenses, 438*l.* 17*s.* 10*d.*

Pension to Samuel Ridout, late Receiver of Fees to Public Offices, the sum of 222*l.* 4*s.* 6*d.*

Pension to the Honourable Colonel Talbot the sum of 440*l.* 8*s.* 11*d.*

Pension to William Chewitt, Esq., late Senior Surveyor and Draftsman, and First Clerk in the Surveyor-General's Department, the sum of 400*l.*

Pension to the family of the late Major-General Shaw the sum of 111*l.* 2*s.* 3*d.*

Pension to officers of the late battalion of Incorporated Militia the sum of 196*l.* 3*s.* 1*d.*

Salary to the Roman Catholic Bishop of Regiopolis the sum of 111*l.* 2*s.* 3*d.*

Pension to Oneida Joseph the sum of 16*l.* 13*s.* 4*d.*, and a pension to Thomas Merrit, Esq., late Surveyor-General of Woods, of 52*l.* 4*s.* 6*d.*, all of the like current money of this province.

And be it further enacted by the authority aforesaid, That there be granted to Her Majesty out of the general revenues of the province, for the purpose of paying the following annuities in the currency of the province, that is to say, To the Mohawks of the Bay of Quinté a perpetual annuity of 50*s.* to each man, woman, and child, but in no case to exceed 450*l.*

To the Mississaugas of the Bay of Quinté a like perpetual annuity, the gross amount in no case to exceed 642*l.* 10*s.* (the number of persons entitled to receive not to exceed 257).

To the Chippewas of the River Thames a like perpetual annuity (number of persons receiving in no case to exceed 240), the annual amount to be paid to them to be 600*l.*

To the Chippewas of Chenail Ecarte and St. Clair an annuity of 1,100*l.*; no reduction to take place so long as their number equals 220. In case their number should fall below 220, then the annuity to be reduced to one-half, and to continue so reduced till the residue be decreased one-half, when the annuity is to be reduced in proportion.

No. 4.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 18, 1839.

Encl. 1, in No. 4.

No. 4.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 18, 1839.  
Encl. 1, in No. 4.

To the Chippewas, Lake Huron and Simcoe, a perpetual annuity of 1,200.

To the Mississagas of the River Credit a perpetual annuity of 552*l.* 10*s.*

To the Chippewas of the Rice and Mud Lakes a perpetual annuity of 740*l.*

And to the Moravian Indians of the River Thames a perpetual annuity of 150*l.*

And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Excellency the Lieutenant-Governor, by and with the advice and consent of the Executive Council, to expend, out of the gross proceeds of the said hereditary, territorial, and casual revenues of the said sales and leases of Crown lands, woods, mines, and royalties, such sums of money as they may, from time to time, deem necessary and requisite for the proper management, protection, and collection of the said revenue; and that his Excellency the Lieutenant-Governor shall, within fourteen days next after the commencement of each and every Session of the Legislature, cause to be laid before the House of Assembly a full and detailed account, stating all the particulars of the income and expenditure of, and relating to, the said hereditary and casual revenues, sales, and leases of Crown lands, woods, mines, and royalties, with all vouchers to the same appertaining for the then previous year.

5. And be it further enacted by the authority aforesaid, That all and every grant, lease, or other assurance, which, during the continuance of this Act, shall be made or granted by Her Majesty, her heirs or successors, of any lands, tenements, rents, woods, mines, royalties, revenues, or other hereditaments within this province, now belonging, or hereafter to belong, to Her Majesty, her heirs or successors, whereby any estate or interest whatever, in law and equity, shall or may pass from Her Majesty, her heirs and successors, save and except as hereinafter provided, shall be utterly void and of none effect, unless such grant, lease, or assurance be made upon sale or rent to the highest bidder at public auction in this province, due notice having been first given thereof in the "Upper Canada Gazette;" and unless all such sums of money and rents as may be payable in consideration of such grant, lease, or assurance be made payable to Her Majesty, her heirs or successors, during the whole term or time of the continuance thereof respectively.

6. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall extend, or be construed to extend, in anywise to impair or effect any rights or powers of control, management, or direction, which have been, or may be, exercised by the authority of the Crown, or other lawful warrant, relative to any suit or proceedings for the recovery of the said hereditary, territorial, casual, or other revenues; or to compositions made, or to be made, on account of any of the same; or to any remission, mitigation, or pardon of any penalties, fines, or forfeitures incurred, or to be incurred; or to any lawful act, matter, or thing which has been, or may be, done touching the said hereditary, casual, territorial, or other revenues; or to disable Her Majesty, her heirs or successors, to make any grant or restitution of any estate or estates, or of the produce thereof, to which Her Majesty hath or shall become entitled by escheat for want of heirs, or by reason of any forfeiture, or by reason of the same having been purchased by or for the use of any alien, or to make any grant or distribution of any personal property devolved to the Crown by reason of the want of next of kin, or personal representatives of any deceased person; and that the said rights and powers shall continue to be used, exercised, and enjoyed in as full, free, ample, and effectual a manner, to all intents and purposes, as if this Act had not been made, and as the same have, or might have, been heretofore enjoyed by the Crown, subject, nevertheless, to the restrictions and regulations hereinbefore made and provided, it being the true intent and meaning of this Act that the right and powers shall not be in any degree abridged, or restrained, or affected in any manner whatsoever, but only that the monies arising from the full and free exercise and enjoyment of them, so subject as aforesaid, shall, during the continuance of this Act, be carried to, and made part of, the joint revenues at the disposal of the legislature of this province.

7. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall operate to annul or prejudice any sale, purchase, grant, lease, enfranchisement, exchange, contract, rent, charge, agreement, bond, mortgage, security, exoneration, or other act, matter, or thing relating to the said lands, woods, mines, or royalties which, at the time of passing of this Act, shall have been made, done, given, effected, or created, but the same shall remain as good, valid, and effectual for the benefit or security either of Her Majesty, her heirs or successors, or of any of the parties to, or with whom, or in whose favour any such sale, grant, lease, enfranchisement, exchange, contract, rent, charge, agreement, bond, mortgage, security, exoneration, or other act, matter, or thing shall have been done, given, effected, or created, and be of as full force and virtue as if this Act had not been passed.

8. And be it further enacted by the authority aforesaid, That this Act shall continue and be of full force and effect for and during the full and complete term of ten years, commencing from and immediately after the 31st day of December, which was in the year of our Lord 1837.

Commons House of Assembly, 11th day of May, 1839.

ALLAN N. MACNAB, Speaker.

Legislative Council Chamber, 11th day of May, 1839.

JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

(Signed)

GEO. ARTHUR, Lieutenant-Governor.



Enclosure 2, in No. 4.

SIR,

Provincial Secretary's Office, 14th May, 1839.

IN obedience to your Excellency's wishes, I have compared, as attentively as circumstances would permit, the provisions of the reserved bill for the transfer of the casual and territorial revenue to the Provincial Legislature, with the conditions annexed by Her Majesty's Government to the cession of that revenue by the Crown: and I now hasten to forward you a memorandum, exhibiting in juxtaposition the terms prescribed by Lord Glenelg's despatch of the 28th December, 1837, and the corresponding enactments of the statute; and explaining, as far as I am able to do so, the causes of some of the differences between them.

I have, &c.,

(Signed) R. A. TUCKER, Provincial Secretary.

His Excellency Major General Sir George Arthur, K.C.H.

&c. &c. &c.

No. 4.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 18, 1839.  
Encl. 2, in No. 4.

A comparative view of the conditions annexed to the cession of the casual and territorial revenue by Lord Glenelg's despatch, No. 7, of the 28th December, 1837; and of the terms of the surrender of the said revenue under the enactments of the provincial statute:—

Conditions of surrender of casual and territorial revenue, as proposed in despatch No. 7, of 28th December, 1837.	Terms of surrender of the casual and territorial revenue under enactments of the provincial statute.
Permanent provision for civil salaries £3200	Permanent provision for civil salaries £3000

N.B.—The reduction of 200*l.* arises from the legislature having granted only 1000*l.* currency for the joint office of Commissioner of Crown Lands, and Surveyor General, instead of 1100*l.* sterling as required by the terms of the despatch. Under the arrangements made by the Lieutenant Governor on the consolidation of those offices, Mr. Sullivan has received 1000*l.* sterling per annum; and would consequently lose the difference between sterling and currency under this Act.

Contingencies . . . .	£ 395	Contingencies . . . .	£ 395	0
Payments to Indians . . . .	£5405	Payments to Indians . . . .	£4891	10
		In currency . . . .	£5435	0

N.B.—Mr. Jarvis, the Chief Superintendent of Indian Affairs, reports that the above stated amount of Indian payments, 5405*l.* has been erroneously expressed in sterling; for that the payments are made in currency, and only amount in the aggregate to 5435*l.* There seems, therefore, to be a sufficient provision for this branch of service, although there is an apparent difference between the terms of the despatch and the enactments of the statute.

The preceding sums are treated by Lord Glenelg as *permanent* charges.

The succeeding are *temporary* in their nature, and likely to be gradually diminished, and ultimately extinguished.

Salaries and pensions . . .	£1934 10 9	Salaries and pensions . . .	£1398 10 9
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N.B.—The difference of 536*l.* arises from the Legislature having omitted the extra salary of the provincial secretary 336*l.*, and the pension of 200*l.* to Sir D. W. Smith; both Mr. Cameron and Sir D. W. Smith being dead at the passing of the Act.

Payments for the support of religion	£ 6995	No provision.
New Barracks at Toronto . . .	£10,000	No provision.

#### General Observations.

The Act having been made to operate retrospectively from the 31st December, 1837, and yet containing no recognition of many branches of expenditure which have since that period been defrayed out of the casual and territorial revenue, there would seem, in *strictness*, to be no authority sufficient to cover those payments. • For example, all the disbursements made since the 31st December, 1837, for any of the items, or heads of service included in Lord Glenelg's despatch under schedule C; as also the difference between Mr Sullivan's salary in sterling and currency—the proportion of extra-salary received by the late provincial secretary, Mr. Cameron, from the 31st December, 1837, to the time of his death—and the pension to the late Sir D. W. Smith for the year 1838, would have been made from a fund which the Act places under the control of the Provincial Legislature, without any sanction having been directly given by the Legislature to those disbursements. Perhaps, however, the Legislature must be deemed to have *assented* to those disbursements by their acceptance of this revenue, with the knowledge that such payments had actually been made out of it; and, whatever the *legal* bearings of the point may be, there can be no doubt but that there is a *moral* obligation which must bind the Parliament on this subject. In noticing, therefore, this matter, I do not intend to place much weight upon it.

Under a somewhat similar estimate of its importance I would likewise remark, that Lord Glenelg has included the *Indian Payments* in the same class with the *Civil List*, as if they were co-equal, and to be fortified by the same privileges:—but that the Legislature has introduced a *slight distinction* between them, giving to the former a preference, in respect to payment, over all other charges; and merely charging the latter upon the general revenues of the province. There is, moreover, a *contingency* expressed in the Act, upon the happening of which, some of these annuities shall cease; whereas in Lord Glenelg's despatch, they are treated as *permanent*.

I believe, however, that the contingency is agreeable to the terms on which the annuities were originally granted; and consequently consistent with the *spirit* of Lord Glenelg's proposition.

No. 4.  
 Sir Geo. Arthur  
 to the Marquis of  
 Normanby.  
 May 18, 1839.  
 Encl. 2, in No. 4.

The retrospective operation of the Act would sanction the payment of the extra salary to Sir Francis Head from the 31st December, 1837; but this is very far from covering, as was intended, the whole period of his administration.

From the accompanying certificate it clearly appears that it was the intention of the Legislature that the increase to the salary of the Lieutenant-Governor should take effect from the date of Sir Francis Head's appointment, and that a clause which had been inscribed for that purpose was omitted entirely through the mistake of the copying clerk.

Of infinitely greater importance than any of the subjects of the foregoing remarks is the total omission of any provision for the payments hitherto defrayed from the casual and territorial revenue *for the support of religion*, and for *the expense of constructing barracks at Toronto*, according to Lord Glenelg's proposal.

In the first Bill introduced into the House of Assembly there was an appropriation of 10,000*l.* to the latter purpose; but the fund upon which that sum was to be charged was not considered satisfactory by the Legislative Council, who suggested that the money should be paid out of the general revenue of the province. In this suggestion, however, the House of Assembly did not acquiesce, as will be seen by reference to the annexed resolution of that Assembly.

The provision for the support of religion appears to have been originally and uniformly rejected by the House of Assembly, who have throughout evinced a desire to transfer that charge to the *clergy reserves*, in the event of the casual and territorial revenues falling into their hands.

Before closing these observations, I think it necessary to advert to that part of Lord Glenelg's despatch which relates to the *lands ceded by the Indian tribes in the Autumn of 1836*, because his Lordship evidently intended that those lands should not merge in the general mass of lands from which the territorial revenue is derived, but should be kept distinct from them, and dedicated to the creation of a fund, out of which the expenditure for *Indian presents* should hereafter be defrayed.

To accomplish this object it was necessary, I conceive, that some corresponding enactment should have been introduced into the provincial statute; and I apprehend that, in the absence of such enactment, the intention of Lord Glenelg could not be carried into effect, inasmuch as the Act would transfer the ceded Indian lands to the provincial Legislature in common with all the other lands belonging to the Crown.

How far it may be proper, or even consonant to strict principles of equity, that annuities which were granted to the Indians by treaties in consideration of their services and other claims should be paid out of the proceeds of lands which have since been ceded by them without any consideration for their surrender, or at all events upon a very slight and insufficient consideration, is a question upon which, happily, I am not required to offer any observation.

(Signed) R. A. TUCKER.

Encl. 3, in No. 4.

Enclosure 3, in No. 4.

THE Committee of Conference, on the part of the Legislative Council, are instructed to represent that the Legislative Council find in the Bill sent up from the Commons House of Assembly, entitled "An Act to place the disposal of the casual and territorial revenue under the control of the Legislature of this province, and for other purposes therein mentioned." 1st. That in the said Bill, in purporting to provide for the payment of annuities to certain Indians, charges the said annuities upon a fund which does not at present exist, and upon which they cannot justly be charged should monies arising from the sale of Indian lands be vested as mentioned in the said Bill.

And further, that the annuities aforesaid are now charged upon the hereditary revenues of the Crown in this province, as consideration for cessions of territory to a very large amount; and that the security for the payment of these annuities to the Indians cannot be decreased without breach of *bonâ fide* contract entered into by the said Indians by the Crown.

And further, that certain annuities and payments in aid of the several religious churches and denominations of Christians, charged by Her Majesty's Government upon the casual and territorial revenues, are not provided for in the Bill sent up, although the temporary provision for these charges is mentioned in the despatch laid before the Legislative Council from Her Majesty's Secretary of State for the Colonies as a condition upon which the said revenue is to be surrendered. And further that the sum of ten thousand pounds required to be paid as a condition upon which the proceeds of the military reserve at the city of Toronto is to be given up, is charged upon the first proceeds of the sale of such reserve, but that the immediate payment thereof is not provided for.

And further, to suggest to the Committee on the part of the House of Assembly the following amendments to the said Bill, to meet the objections which appear to the Legislative Council to exist to the passage of the Bill in its present shape.

Press 4, line 14, after "Majesty" expunge to "the following" in line 17, and insert "out of the joint revenues aforesaid for the purpose of enabling Her Majesty to pay."

Press 5, line 18, after the 3rd clause insert 4. And be it further enacted by the authority aforesaid, that, during the incumbency of the present annuitants, or until the annuities in this clause mentioned shall be provided for otherwise, there be granted to Her Majesty, her heirs and successors, out of the joint revenues aforesaid, to enable her Majesty, her heirs and successors, to pay and discharge the following annuities in current money of this



province, that is to say:—Missionaries of the church of England, Two thousand eight hundred and fifty pounds.

Ministers of the church of Scotland, One thousand five hundred pounds.

Ministers of the United Synod of Upper Canada, Seven hundred and seventy-seven pounds fifteen shillings and sixpence.

Roman Catholic bishop, Five hundred and fifty-five pounds eleven shillings and two-pence.

Roman Catholic priests, One thousand one hundred and eleven pounds two shillings and three-pence.

Press 6, line 9, expunge the 5th clause.

Press 8, line 20, after "out of the" expunge "to such" in line 21, and insert "out of the joint revenue aforesaid."

Truly extracted from journals of the Legislative Council.

(Signed)

J. JOSEPH, Clerk.

Legislative Council Office, 14th May, 1839.

No. 4.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 18, 1839.

Encl. 3, in No. 4.

Enclosure 4, in No. 4.

Encl. 4, in No. 4.

Mr. Speaker,

The Commons House of Assembly have passed certain resolutions in relation to the Report of the Committee of Conference on the subject-matter of the Bill, entitled "an Act to place the disposal of the casual and territorial revenue under the control of the Legislature of this province, and for other purposes therein mentioned, and communicate the same for the information of the Honourable the Legislative Council.

(Signed)

ALLAN N. MACNAB, Speaker.

Commons House of Assembly,

9th day of May, 1839.

Truly extracted from the journals of the Legislative Council.

(Signed)

J. JOSEPH, Clerk.

Legislative Council Office,

15th May, 1839.

**RESOLVED**,—That this house, entertaining the most sincere desire to meet the views of Her Majesty's government, and settle a question which has been the subject of contention many years, they concur in the reasons expressed in the Report of the Committee of Conference by the Legislative Council, relating to the annuities to due the various Indian tribes, although they cannot refrain from expressing their disappointment that all the lands thus ceded should have been sold or otherwise disposed of without providing an annuity out of the proceeds of the same to indemnify the original owners.

**RESOLVED**,—That in the opinion of the house, no charge should be made upon the casual and territorial revenue for the support of religion, but that all such charges to which the faith of Her Majesty is pledged, should be transferred to and borne out of the funds arising from clergy reserves, and that an humble address should be presented to Her Majesty, praying her to bring the subject under the consideration of the Imperial Parliament, in order to pass measures authorizing such transfer, in order to remove the objection from the passing of this Bill, that this revenue may hereafter be applied in paying the interest on the construction of our public improvements and promoting the general prosperity of the country.

The third objection in respect to the military reserve is one which does not involve principle; the only objection to make the advance on the part of this house is, want of means; and we have no apprehension that Her Majesty's Government will object to wait until the amount of those barracks is realized from the proceeds of this reserve,

Truly extracted.

(Signed)

JAMES FITZ GIBBON, Clerk of Assembly.

Truly extracted from the journals of the Legislative Council.

(Signed)

J. JOSEPH, Clerk.

Legislative Council Office,

15th May, 1839.

Enclosure 5, in No. 4.

Encl. 5, in No. 4.

I do hereby certify that, on the 26th day of April last, a Bill was passed by the Commons' House of Assembly, purporting to place the casual and territorial revenues of the Crown in this province at the disposal of the Provincial Legislature. That the said Bill, when presented for the third reading, was referred back to a committee of the whole house, and was amended in the clause providing for the additional salary to the Lieutenant-Governor, by adding the following words, "which allowance shall take effect, and be payable from the period of the assumption of the government of this province by Sir Francis Bond Head;" that the Bill passed with said amendment, and was sent to the Legislative Council for concurrence; but owing to some of the clauses being objectionable to that honourable house, a conference was held by the two houses on the subject through a joint committee, by which the objections of the Council were made known to the Assembly, but no objection was offered to the amendment above mentioned. The house then determined upon passing another Bill, meeting, in a great measure,

No. 4.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
May 18, 1839.  
Encl. 5, in No. 4.

the wishes of the Council. Orders were then given to my office to prepare a Bill in accordance with the first, excepting in a certain clause which had been objected to by the Legislative Council, and a printed Bill was handed to the clerk to copy from, which did not contain the amendment before mentioned. In the pressure of the business, bringing the session to a close, the amendment which had been made to the former Bill, in its progress of passing, escaped the memory of the clerk superintending the office; and, from the same cause, the second Bill passed both branches of the Legislature, without either observing the omission, by which means the provision authorizing the payment to Sir Francis Bond Head of two year's extra additional salary, concurred in by both Houses, is omitted in the Act reserved for Her Majesty's assent.

(Signed) JAMES FITZ GIBBON, Clerk of Assembly.

Clerk of Assembly's Office,  
Toronto, Upper Canada, 13th May, 1839.

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No. 5.

(No 131.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to the Marquis of NORMANBY.

No. 5.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

MY LORD,

Government House, Toronto, 8th June, 1839.

With reference to the bills transmitted to your Lordship with my despatch, No. 108, of the 14th of May, particularized in the accompanying schedule marked A, having for their object the raising money to carry on this Government, and to continue and perfect some of the public works undertaken in the province, I have now the honour to submit the following remarks.

For Sir G. Arthur's  
Despatch, 20th Nov.  
1838, No. 91, vide  
Papers ordered by the  
House of Commons  
to be printed, 12th  
July, 1839, No. 347.

2. In my despatch of the 20th November last, (No. 91), I stated to Lord Glenelg the probability of the arrival of very serious financial difficulties:—I mentioned the causes of expenditure generally, as well as the occurrences which occasioned a sudden check to the public credit, and which threatened to cause the most serious evils, unless some means could be devised to place the financial concerns of this province upon a satisfactory and permanent footing.

3. I have since met the provincial Parliament, and your Lordship is in possession of the speech with which I opened the session,

4. It was not in the power of the House of Assembly to do more than adopt temporary measures, and those which passed that body, whatever may be their merits, seemed to me so pregnant with evil, should the expectations of the Assembly on which they were founded be disappointed, that I have felt it my duty to contend with present inconvenience, and to lay the whole financial question before Her Majesty's Government; and in the mean time to reserve the Bills for the signification of Her Majesty's pleasure thereon.

5. The public debt of this province, which your Lordship will find stated in Table B, and which involves an expenditure in interest nearly equal to the whole revenues of the colony, has been occasioned, as your Lordship will find noticed in the Earl of Durham's Report, principally by attempts to connect the magnificent inland waters of the province with the sea by means of canals, which, if completed, would open a line of inland navigation scarcely equalled in the world. These canals were supposed not only to promise immense advantages to the trade and agriculture of the province, but to offer a prospect of great accession to the public finances.

6. The expectation of a rapid realization of these advantages will at once explain to your Lordship the reason why the prudent course of making a provision for the interest of borrowed money from funds immediately available, was not adopted at each successive advance into debt. The prospects, it must be acknowledged, were sufficiently alluring; but nothing could be more plain, than that a postponement of the completion of the public works, a disappointment as to their profitable results, or a suspension of public credit, must leave the financial concerns of the province exposed to embarrassments of the most serious nature: in short, that the Government must want pecuniary means for its support, or that the public creditor must forego the interest which ought to arise from his investment.

7. These causes have unfortunately co-operated to produce the present difficulties. The distrust of British capitalists in American securities generally affected the provincial credit. This prevented the acquirement of a sufficient sum to complete the public works, and, of necessity, prevented their becoming profitable. The evil has been aggravated by the internal and frontier troubles of the provinces; and the canals having been commenced on a scale calculated upon the wants and interests of a rapidly increasing population, and for an improving commerce, an immediate adequate return could scarcely be expected on those parts of the line of communica-



tion actually brought into operation, under circumstances of a complete cessation of immigration, and a great commercial depression.

8. The Welland canal, which overcomes the difference of elevation between Lakes Ontario and Erie, was commenced by a private company with very inadequate means. It was originally intended for the navigation of ordinary canal boats, but the dimensions of the canal were afterwards increased, so as to allow of the passage of the schooners which compose the British and American sailing marine of the lakes. This increase of dimensions in the Welland was expected to become profitable by means of the American western trade on the lakes, even then important, but which has since increased enormously. The passage of schooners through the Welland enables vessels conveying freight from and towards the New York market to substitute, without breaking bulk, above 120 miles of open lake navigation for the expensive and tedious navigation of the Erie canal; of which, in effect, Oswego, on Lake Ontario, is thus to a certain degree made the western debouchure, instead of Buffalo, on Lake Erie.

9. The Welland canal has been so far completed as to be now actually in operation, as it has been for several years. But, partly from want of judgment, and partly from want of funds, the locks have been constructed of timber, and the work requires a yearly expenditure in repairs more than equal to the whole receipts for tolls.

10. The private stockholders of the Welland Canal Company have expended on the work 117,000*l.*, the British government 73,000*l.*, and Lower Canada 25,000*l.* Besides these sums, 275,000*l.* have been expended on the work which belong to the public debt of this province, making a total of 490,000*l.*

11. By order of the Assembly, an estimate has been made of the sum which would be required to reconstruct the locks of stone, and render the work permanent; the amount is estimated at 300,000*l.*, which, from the reputation of the engineers, and the knowledge which has now been acquired of all the difficulties and expenses of the undertaking, I believe to be as nearly correct as such calculations can ever be expected to be.

12. The present expense of repairs on the canal amounts, on an average, to 16,000*l.* per annum, the expense of management to 3,000*l.* = 19,000*l.* But, if the projected improvement takes place, the whole expense of management and repairs would not be over 5,000*l.* per annum, which difference of yearly expenditure would argue in favour of the new expenditure, even if the necessity of it were not apparent from the danger and inconvenience of continually patching and preserving a decaying work of the dimensions and importance of this canal.

13. The tolls received upon the Welland have been steadily on the increase; for the year 1838 the tolls and rents of water-works amounted to 11,000*l.*; and since the opening of the navigation this year the increase has been altogether unprecedented; and it is considered that 25,000*l.* per annum would be realized were the work made permanent, and that this would be an increasing income.

14. Apart from calculations of profit, it is proper to consider the Welland Canal as it affects the safety of the western portions of the province, in case it should require an armed defence, or the effect which the defensibility of the south-western frontier may have in the preservation of peaceable relations with the neighbouring country. For these purposes I conceive the Welland Canal to be absolutely indispensable; and it may be a question worthy of serious consideration, whether it would not be for the interest of the Imperial Government to take the whole work into its own hands and management, in which case it would be necessary to redeem so much of the provincial debt as is involved in the undertaking, and to purchase the investments of the private stockholder.

15. This measure would ensure the completion of the canal, and relieve the province from a considerable portion of its present debt, and from the necessity of incurring a considerable amount in addition; but should it not be thought fit to make the Welland Canal a national work, another plan of relief may be adopted by the advance of a sufficient sum to complete the canal and buy out the shares of the private stockholders.

16. I should mention here, that since the commencement of the Welland Canal, steam-boats have to a great extent, but without displacing the sailing vessels, been employed on the lakes. The number engaged in the American trade, centring at present in Buffalo, is very great; and if the canal were increased in its dimensions so as to permit the passage of these vessels into Lake Ontario, it is believed that the utility and prospect of profit of the work would be materially advanced, as well as its capability of adding to the defence of the province. But this would cause a

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further outlay of 250,000*l.*, and, after the best consideration I can give the subject, I am not disposed to recommend the measure.

17. The Rideau Canal is a great military work, connecting Lake Ontario with the waters of the Ottawa. It was constructed at an expense to the British Government of upwards of a million sterling, and its projection was, I am informed, partly occasioned by the cession to the United States of Barnhart's Island in the Saint Lawrence, which left the navigable channel of that river within American territory.

18. This canal is a noble work; it is made of a size to admit the navigation of steam-boats of a small class; its utility is, however, contracted for want of suitable connecting links of canal below its debouchure at Bytown, and between that place and the mouth of the Ottawa.

19. The Grenville canal, constructed by the British government, and navigable only for small boats, occupies one of the parts of this line of navigation; and a private company own one lock at the rapids of St. Anne, so that the Rideau line of navigation is imperfect in a most material part. The enlargement of the Grenville Canal, and the improvement of the navigation at St. Anne's, ought most unquestionably to be completed to the same size as the Rideau, or that great work cannot become available to its full extent for military or mercantile purposes.

20. Were this part of the Ottawa navigation, which is required as adjunct to the Rideau, completed, the steam-boats which could then ascend the Ottawa from Lachine, and proceed by means of the Rideau to Lake Ontario, could descend the Saint Lawrence, and thus perform a circuit of navigation assisted by the stream of this great river; this would no doubt increase the utility of the Rideau navigation immensely, and be sufficient for all the trade of the colony for many years to come.

21. The Saint Lawrence Canal, on which so great a proportion of the sum of which the public debt consists has been expended, was intended as a part of a chain of inland navigation, projected on a scale sufficient to admit the passage of large steam-boats and sea-going vessels of a limited draft of water: a portion of the work is nearly completed, but it cannot be available without the addition of very expensive works on the Saint Lawrence, both in Lower and Upper Canada.

22. It is maintained, and perhaps upon good grounds, by the friends of this undertaking, that it would tend to divert a considerable portion of the import trade to the Western States, which now passes through New York to Montreal and Quebec, and that many of the exports of these states would find egress by the same channel. It is also expected that a profitable trade might be opened on the Canadian lakes, in the way of building sea-going vessels, which, being loaded with staves or other produce of Western Canada, might proceed by way of the canal to Quebec, and thence to the West Indies or to Europe; and it is further relied upon, that if this navigation were available, British goods would be extensively supplied to all the American towns and villages bordering on the Saint Lawrence, the Lakes, and the "far West." These projects, and others, may be quite reasonable, and their success would unquestionably add greatly to the commercial prosperity of both provinces; but it strikes me that the undertaking was imprudent in the state of our finances, and the prospect of return too remote to be ventured upon, without at least a sure provision for the payment of interest on the debt incurred in the construction of the canals, until the profitable part of the scheme should be realized. Moreover, this work is much exposed, and in the event of war can scarcely be available for military purposes, and therefore cannot supersede the necessity of the parallel line of navigation on the Rideau. Nevertheless, it cannot be questioned but that it is a noble undertaking, and ought to be completed.

23. I transmit to your Lordship herewith the reports\* of the finance committee of the assembly, by which your Lordship will see the opinions of that body respecting the prospects of return from the public undertakings.

24. I acknowledge that my opinions regarding the perfect safety of the public creditor, does not rest so much upon the expected return for investments in the canals, as upon the fact that, as compared with other countries, these colonies are almost untaxed, and that the whole revenue, if increased, is applicable for purposes of improvement.

25. The only means which the law leaves open to the local legislature of meeting the yearly expenditure, arise from internal excise and direct taxation.

26. The duties on imports are levied partly by imperial, and partly by provincial statutes; and the amount of these duties is at present so small, that I am

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\* These reports have not been received.



satisfied a great part of the existing deficiency might be made up by a judicious increase on the duties levied at the port of Quebec. The whole share coming to this province amounts, at present, to about 45,000*l.* per annum; and if this sum were even doubled, the burden upon trade would be still inconsiderable as compared with that borne by the American States, and the interest on the whole debt of the province, arising from loans for general public purposes, could at once be placed upon, and perfectly secured by, those duties.

27. Their increase and appropriation for this purpose would immediately form a basis upon which the credit system of the province could rest without any fear of the recurrence of financial embarrassments, and the addition I have proposed would allow of an augmentation to the debt sufficient to complete the Welland canal, and other essential works, and would, it seems to me, offer an opportunity for consolidation of the debt on such terms as would occasion a considerable reduction of the amount of interest.

28. This would be very materially facilitated by the guarantee of a new loan on the part of Her Majesty's Government; and this loan being secured, as I have stated, on a revenue received at the seaport by officers of the Government, would offer the best counter-security for the guarantee, with the easiest and most certain way of collecting the revenue.

29. Supposing the assent of Her Majesty's Government to be given, the remaining difficulty in the way has hitherto been the want of a port of entry and clearance for Upper Canada, and to overcome which the annexation of Montreal has been warmly advocated; but if there are insuperable objections to that measure (and I am sure I have daily experience that Upper Canada is large enough already to govern with promptitude and energy), I cannot help thinking that other schemes might be devised whereby the commercial revenue might be regulated, without involving the concerns of the Lower Province.

30. The main part of the debt being thus arranged, the expenses of the administration of Government, and the part of the loan which consists of advances for public works of local interest, would remain to be provided for from internal resources. This portion of the loan is secured by the liability of the companies and their joint property, and by the liability of the districts to local assessments, so that I do not anticipate any public burden from this source.

31. The interest upon the general public debt being provided for, as I have proposed, by the duties on imports from the sea, would leave the revenues arising from tolls upon the great public works available for the purposes of the Government; and, although they may not furnish an amount in money equal to the expenditure in the way of interest occasioned by them, they would form very material additions to the internal revenue,—that interest being provided for elsewhere.

32. I am aware that my plan of charging the interest upon the public debt, against the revenues arising from taxation does not precisely meet the views of the finance committee of the Assembly, as your Lordship will perceive by their reports. They still adhere to the opinion that the public works, if completed, would pay for themselves; this proposition I do not pretend to controvert, and if they be right, so much the better; my objection to it arises from the fact that it involves the principle of paying interest out of the capital sum borrowed, in the anticipation of future revenue; and I apprehend that those who would have to advance the money would have serious objections to the plan.

33. It also involves the opportunity, resting in the colonial Legislature, of increasing the public debt indefinitely, and by this means jeopardizing the interests of the public creditor, whose great security ought to be that the funds upon which he rests should not be alienated or diverted until his debt is discharged.

34. The system of borrowing money in this manner has been deprecated by Messrs. Baring, Brothers, and Co., the principal negotiators of Upper Canada debentures in London. They properly claim to be made acquainted with all new loans, and to have an opportunity of passing their judgment upon the means proposed of meeting the interest.

35. I am not aware of any other manner of producing this result satisfactorily, and of offering tangible security to the old and new public creditor, than that of limiting the loans to be negotiated to the power of the province to meet the yearly interest from funds capable of being immediately realized.

36. If Her Majesty's Government should assist the province by a guarantee,

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or, by a representation from authority, that this prudent system should for the future be pursued, it would have the best reasons for insisting upon its plan being consistently followed in the colony; and, it seems to me, that the honour of the empire, and the peace and prosperity of the province, are so intimately connected with the observance of faith to the public creditor, that those points cannot with prudence be left to the discretion of the borrowing colony; which, impelled by the best motives of public good, and with the purpose of hastening the arrival of a period of great public prosperity, may, unconsciously, overlook the financial difficulties which a failure or postponement of the result of their sanguine expectations must inevitably produce.

37. It is painful to me to be obliged to represent to Her Majesty's Government the necessity of some interference to relieve the colony from its difficulties, I should not do so were there any means of procuring relief from internal operations, or were the evils to arise from the present state of affairs less serious, or inevitable.

38. The greatest mischief and inconvenience is now felt in the province from the want of means to continue and perfect the internal communications of which the benefits are commencing to be sensibly felt. The people naturally look to the Government to devise ways and means for their local works; and individuals cannot readily see the general difficulties which interfere with particular and local interests. They chafe and fret when they find impediments in their way, and their discontents find an easy solution in resting the blame upon the Government. Laws are in existence authorizing the raising of money for making Macadamized roads, and they are apt to think that the Government is in fault, because the money is not forthcoming. Comparisons are made with the States of America, where gigantic and expensive undertakings are carried through successfully by means of British capital; and a spirit of dissatisfaction arises which must be put an end to before public affairs can be managed with popular approbation, or with satisfaction to Her Majesty's Government.

39. In the report of the Finance Committee the following passage occurs:—

“It may be well to examine the description and extent of the security they (the States of America) offer to British capitalists, and then compare it with the description and extent of the security the Canadas can offer for similar investments.

“The old States, New York, Pennsylvania, &c. *rely upon an internal revenue*, collected within the state to pay the interest on the capital borrowed during the construction of their various improvements, and after these works are in operation in the progressive increase of tolls.

“The states of Indiana, Illinois, and those recently forced into existence rely on the sale of lands ceded by the general government to pay the interest during the construction; when those lands are sold they have the canals and improvements in their place.”

40. These are the principles which I wish to adopt, although the committee do not draw precisely the same conclusion. The land-granting system pursued in this province for so many years, and the number of outstanding claims for which the faith of Government is pledged, will, I fear, place this province in the condition of one of the old States; and it appears to me the conclusion is inevitable, that, the means of paying interest pending the unproductiveness of the public works, must be derived from the same source as in the old States, namely, taxation!

41. A law was passed during the session of the Provincial Parliament before the last, authorizing the negotiation of a loan of 1,000,000 for the purpose of consolidating the public debt; the new debentures to bear three per cent. interest. If this loan should by the assistance of Her Majesty's Government be negotiated on favourable terms, the credit of the province would immediately rise; the outstanding debt could be redeemed as it falls due, or at the will of the public creditor; and the negotiation of the required sum placed on the most favourable footing.

42. I have not alluded in this despatch to the effect which the proposed union of the provinces will have upon the finances of this portion of Canada; partly because I have no right to assume that such a measure will be carried into effect; and, partly, because the Lower Province will have full power in the Legislature to keep their own share of revenue; and there is a fearful arrearage of public outlay to be made up in that colony which will require all their resources before the country can be placed on an equality with the neighbouring States, or, even with this province.

43. I subjoin some tabular statements, A, B, C, D, and E, which will the better enable your Lordship to understand some of the details of the subject on which I



have written, and it remains for me briefly to state my reasons for reserving the Bills transmitted for the signification of Her Majesty's pleasure thereon.

44 I have reserved the Bill authorizing the issue of bills of credit, because, unless some measures be adopted to restore the public credit, these bills would remain unpaid at the end of the year without any means of redeeming them. They must then become depreciated, and I need not explain to your Lordship the ruinous consequences of such an event upon the public prosperity and tranquillity of the colony: were this measure ceded, the prospect of a return to cash payments would be at least more remote.

45. I have reserved the Bill authorizing the sale of debentures for certain purposes at the market price, because I think the propriety of the measure depends altogether upon the establishment of a system of credit for the colony on a sound and simple basis; and, although the delay is productive of *much inconvenience*, I am of opinion that this evil will be more than compensated by the adoption of a good system, and by the negotiation of these debentures in consonance with it.

46. I have reserved the Bill for the payment of claims arising out of the late troubles, because, as from the preamble it is expected that the charge will be ultimately borne by her Majesty's Government, I think it would be improper in me to have assented to it under an implied pledge which I had no authority to give.

47. I have reserved the Bill for purchasing the interest of the private stockholders in the Welland, because, until I shall have seen the means of finishing the work made available, I do not think it just to the public creditor to add to the provincial debt for this purpose.

48. The Bill to equalize the value of gold and silver coins, from its nature, was necessarily reserved. It is intended by this measure to equalize the currency of the province with that of the United States, and to enable the banks to use money on the same terms as in that country. Most serious inconveniences are felt from the want of such a measure; and, until a provincial coinage shall be established, I believe it to be necessary to prevent the continual drain which the present inequality of value causes upon the specie in the province, and to make foreign coins available for commercial purposes.

49. My principal object in this despatch is to put your Lordship in possession of information, to show that the resources of this colony are much more than equal, if properly tried, to the public exigencies, and that the time for trying them is come. My plan may be faulty or imperfect, but if so, some other ought to be adopted; the resources of a rising and rapidly increasing community are in existence; how they are to be made available is one question, but their being capable of becoming so is another. The latter point is the one in which I feel the deepest interest.

50. In conclusion, I beg to refer your Lordship to the Earl of Durham's despatch, No. 25, of the 16th of July, 1838, in which, with reference to the public works of this province, his Lordship strongly urges them upon the attention of Her Majesty's Government, "both as a means of restoring tranquillity to the Canadas, and of blessing the North American provinces with a degree of prosperity which has never yet been afforded them;" and his Lordship then proceeds to ask "a grant of money to be issued on the same principles and securities as those which regulate the assistance given to harbours, railroads, canals, and other public works in England."

In this recommendation I most cordially concur. As the whole debt was incurred before my succeeding to this government, I am in no measure personally responsible for the consequences; but it would gratify me beyond all expression successfully to plead the cause of a fine race, who have been plunged into the deepest political and financial distress by a course of events most awfully calamitous.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant.

GEO. ARTHUR.

The Marquis of Normanby,

&c. &c. &c.

Enclosure 1, in No. 5.

A.

1. "An Act to regulate the value at which gold and silver coins shall pass current within this province."

2. "An Act to afford further facilities to negotiate debentures for the completion of certain works."

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No. 1.

No. 2.

No. 3.

No. 4.

For Lord Durham's  
Despatch, 26th July,  
1838, No. 25, *vide*  
Correspondence rela-  
tive to British North  
America; ordered to  
be printed February,  
1839, page 141.

Encl. 1 in No. 5.

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 Encl. 1, in No. 5.

2. "An Act to authorize the issue of bills of credit."  
 4. "An Act to ascertain and provide for the payment of all just claims, arising from the late rebellion and invasions of this province."  
 5. "An Act to authorize the purchase of the private stock in the Welland Canal on the part of the province, and for other purposes therein mentioned."

## B.

Whole present debt of the province . . . . .	£1,162,187	0	0
Interest thereupon, with expenses of remittance . . . . .	65,000	0	0

## C.

Proportion of this debt incurred for general public purposes, about . . .	£900,000	0	0
Sum required to finish the Welland Canal permanently . . . . .	£300,000	0	0
Sum required to purchase the private stock in the Welland Canal . . . . .	117,000	0	0
For other public expenditures . . . . .	83,000	0	0
	£500,000	0	0
	£1,400,000	0	0
Interest at 5 per cent. . . . .	£70,000	0	0
Present revenue at Quebec . . . . .	45,000	0	0
New revenue required . . . . .	£25,000	0	0

## D.

Debt incurred in assistance of local undertakings . . . . .	£270,000	0	0
Interest thereon . . . . .	£13,500	0	0
Permanent expenses of the government, including the administration of justice and Parliamentary appropriations for schools, penitentiary, light-houses, &c. . . . .	55,000	0	0
Permanent expenditure . . . . .	£68,500	0	0

## Resources.

Interest on advances secured by local works used by district assessments . . . . .	£13,500	0	0
Tolls on the Welland Canal when completed, exclusive of £5,000 for management and repairs . . . . .	20,000	0	0
From other works . . . . .	2,000	0	0
Duties on imports from the United States . . . . .	13,000	0	0
Internal duties . . . . .	8,000	0	0
	£56,500	0	0
New taxation required . . . . .	12,000	0	0
	£68,500	0	0

## E.

Interest on present debt . . . . .	£65,000	0	0
Permanent expenses of government . . . . .	55,000	0	0
	£120,000	0	0
Revenues . . . . .	78,000	0	0
	£42,000	0	0

Showing a permanent deficiency of £42,000, awaiting the productiveness of public works or the increase of revenue from gradual improvement of resources.

The extraordinary expenses, amounting to about £15,000, arising from the late troubles, are excluded from this statement.



STATEMENT E.

UPPER CANADA.

STATEMENT of the Annual Amount of Rents paid to the Receiver-General, on account of Rents of Leased CLERGY RESERVES, from the 1st January, 1834, to 31st December, 1838, inclusive.

No. 5.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.  
Encl. 1, in No. 5.

Period.	Currency.	Sterling.
	£. s. d.	£. s. d.
From 1st January } 1834 { £ 3,124 9 4½ To 31st December, } 970 12 1	4,095 1 5½	3,685 11 4
From 1st January } 1835 { £ 1,411 17 2 To 31st December, } 2,812 11 2½	4,224 8 4½	3,801 19 6½
From 1st January } 1836 { £ 1,325 19 11 To 31st December, } 1,053 3 6½	2,379 3 5½	2,141 5 1½
From 1st January } 1837 { £ 1,188 13 9½ To 31st December, } 810 0 0	1,998 13 9½	1,798 16 5
From 1st January } 1838 { £ 427 7 11 To 31st December, } 651 8 5	1,078 16 4	970 18 8½
	13,776 3 5	12,398 11 1½

Enclosure 2, in No. 5.

Encl. 2, in No. 5.

No. 1151. AN ACT to authorize the issue of Bills of Credit.

This Bill reserved for the signification of Her Majesty's pleasure thereon on Saturday, the 11th day of May, 1839.

(Signed) R. A. TUCKER, Provincial Secretary.

Whereas from various causes not under the control of this Legislature, the present revenues of this province are insufficient to meet the current expenses during the present year, be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province, and by the authority of the same,'" That it shall and may be lawful for his Excellency the Lieutenant-Governor, by and with the advice of the Executive Council, to authorize Her Majesty's Receiver-General of this Province to issue Debentures or Bills on the credit of this Province, payable one year after date, at an interest of six per centum per annum, in such sums as the Receiver-General may think most convenient, not less than one pound; which notes shall be received in payment by the Receiver-General, as well as all other public accountants and public officers within this Province. Provided always that the whole amount thereof shall not exceed the sum of 250,000l.

"2. And be it further enacted by the authority aforesaid, That the interest accruing on such bills or notes shall cease while in the hands of all public accountants.

"3. And be it further enacted by the authority aforesaid, That the Receiver-General shall make a statement of all notes or bills issued by him, and of all expenses incurred in issuing said Bills to be laid before the Legislature at its next session.

"4. And be it further enacted by the authority aforesaid, That no portion of the bills of credit authorized to be issued by this Act shall be made use of for the purpose of completing any public work until the interest upon the sum advanced for any such public work shall be first paid."

Passed Commons House of Assembly,  
Twenty-fifth day of April, 1839.

(Signed) ALLAN N MACNAB, Speaker.

Legislative Council Chamber,  
Tenth day of May, 1839.

(Signed) JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

(Signed) GEORGE ARTHUR, Lieutenant-Governor.

No. 5.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

Encl. 3, in No. 5.

Enclosure 3, in No. 5.

No. 1,153. AN ACT to afford further facilities to negotiate DEBENTURES for the completion of certain Works.

This Bill, reserved for the signification of Her Majesty's pleasure thereon, on Saturday, the 11th of May, 1839.

(Signed) R. A. TUCKER, Provincial Secretary.

WHEREAS it is expedient to finish certain of the public works now in progress in this province, be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of, an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province;'" and by the authority of the same, That it shall and may be lawful for Her Majesty's Receiver-General, by and with the consent of the Lieutenant-Governor of this province in Council, to sell and dispose of the public debentures of this province, now authorized by law to be issued, to the best advantage, in order to realize the several sums hereby appropriated during the present year, viz., for finishing the Saint Lawrence Canal the sum of fifty thousand pounds; for building a ship-lock at Dunnville, and providing materials for the Welland Canal, the sum of fifteen thousand pounds; for the Grand River Navigation, the sum of twelve thousand five hundred pounds; for the Johnstown District Roads, the sum of five hundred pounds; for the Queenstown and Grimsby Roads, the sum of ten thousand five hundred and fifty-five pounds; for the road north of the city of Toronto, the sum of nine thousand pounds; for the road west of the city of Toronto, the sum of seven thousand pounds; for the road east of the city of Toronto, the sum of four thousand pounds; for the continuation of the improvement of the River Trent, the sum of twelve thousand pounds; for the Credit Harbour, the sum of seven hundred and fifty pounds.

II. And be it further enacted by the authority aforesaid, That the amount of the debentures required by this Act, now authorized to be issued for the construction of the foregoing works, payable in this province, shall be made payable in England, anything in any Act to the contrary in anywise notwithstanding.

Legislative Council Chamber, 10th day of May, 1839.

JONAS JONES, Speaker.

Commons House of Assembly, 10th day of May, 1839.

ALLAN N. MACNAB, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

(Signed) GEO. ARTHUR, Lieutenant-Governor.

Enclosure 4, in No. 5.

No. 1,150. AN ACT to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province.

This Bill reserved for the signification of Her Majesty's Pleasure thereon, on Saturday the 11th day of May, 1839.

R. A. TUCKER, Provincial Secretary.

Most Gracious Sovereign,

Encl. 4, in No. 5.

WHEREAS during the late unnatural rebellion, and on the several hostile invasions of, and lawless aggressions upon this province at various points by foreigners, and others from the United States of America, divers inhabitants of this province sustained much loss and damage by the destruction of their dwellings, and other buildings and property, and by the seizure and carrying away of their property by the rebels and invaders, and otherwise. And whereas other of the said inhabitants essentially contributed to the effectual defence of the province by capturing many of the rebels and invaders by advancing money, and supplying meat, drink, lodging, and clothing, and also conveyances for the militia forces, and otherwise, and by performing many important services in various ways, for which they have not hitherto been paid or satisfied, and their claims and demands are still outstanding. And whereas it is believed and confidently hoped, that the Imperial Parliament of Great Britain will eventually make good to this province all such of the above-mentioned claims and demands as have arisen, or result from or by reason of the aforesaid invasions and aggressions by foreigners from the United States, but inasmuch as serious and almost ruinous consequences will ensue to many of Her Majesty's subjects within this province, if the payment of their just claims and demands be postponed until the decision of the Imperial Parliament thereon be known, it is proper and expedient that all such claims and demands should be forthwith paid after the same have been ascertained in the manner hereinafter mentioned. We, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada in Provincial Parliament assembled, therefore humbly beseech Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and



Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the province of Quebec in North America, and to make further provision for the Government of the said province,'" and by the authority of the same, that from and out of the rates and duties now raised, levied, and collected, or hereafter to be raised, levied, and collected, and in the hands of the Receiver-General of this province, and unappropriated, there to be granted to Her Majesty, her heirs and successors, a sum not exceeding the sum of 40,000*l.*, which said sum, not exceeding the said sum of 40,000*l.*, shall be appropriated, applied, and disposed of in the payment of all and every, and so many and such of the claims, or "sums allowed" in the third column of the Schedules hereinafter directed to be made out and delivered, or sent to the Lieutenant-Governor of this province by the Commissioners to be appointed under this Act, and the same shall be paid under the warrants of the Lieutenant-Governor as hereinafter provided.

2. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Lieutenant-Governor of this province, as soon as may be after the passing of this Act, by several Commissions under the Great Seal of this province, to appoint three Commissioners for each district of this province, one of whom shall have been a resident for at least one year within the district, whose duty it shall be to inquire into the losses sustained by Her Majesty's subjects and other residents within this province, during and in consequence of the late rebellion and invasions, and also into the said several claims and demands which have accrued in respect thereof and in respect of any loss, destruction, or damage of property occasioned by violence on the part of brigands or pirates on the waters of the lakes or rivers dividing this province from the territories of the United States, and they or a majority of them shall ascertain, determine, and allow the amount thereof respectively.

3. And be it further enacted by the authority aforesaid, That the said Commissioners, before they enter upon the execution of their office, shall severally take an oath before any one of Her Majesty's justices of the peace (which he is hereby authorized to administer) to the following effect:—"I, *A. B.* do swear that, according to the best of my skill and judgment, I will faithfully, impartially, and honestly execute the duties imposed upon me under and by virtue of an Act, entitled 'An Act to ascertain and provide for the payment of all just claims arising from the late rebellion and invasions of this province,' without favour or affection, prejudice or partiality, to any person or persons whomsoever, so help me God."

4. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized to examine upon oath all persons whom they shall think fit to examine upon the several claims and demands which may, from time to time, come before them, and touching all such matters and things as shall be necessary for the execution of the powers vested in them by virtue of this Act, which oath shall be in the following form or to the following effect:—"You, *A. B.*, do swear that the evidence which you shall give upon the matter now before us shall be the truth, the whole truth, and nothing but the truth, so help you God." And all persons whom they, or a majority of them, shall summon before them, are hereby directed and required personally to attend them, the said Commissioners, at such time and in such places as they shall from time to time appoint.

5. And be it further enacted by the authority aforesaid, That the said Commissioners are hereby authorized to meet and sit from time to time at such two several places, and at two places only (and for four days and for four days only), at each sitting in each district, as they shall think proper, and to send their precept or precepts under their hands for any person or persons whomsoever, and for such books, papers, and writings, as they may judge necessary for their information, or the execution of the powers vested in them by this Act.

6. And be it further enacted by the authority aforesaid, That a printed notice shall be published in the Upper Canada Gazette and in such newspapers in each district as the said Commissioners may respectively think fit, twice successively, and similar notices shall be posted or fixed up against the churches, meeting-houses, and principal taverns in each county, at least three weeks previous to the said Commissioners holding their first meeting, which notice shall be in the following form, or to the following effect:—

Public notice is hereby given, that we the undersigned Commissioners, appointed by his Excellency the Lieutenant-Governor to investigate all claims and demands against the Government of this province for losses, injuries, or otherwise arising out of the late rebellion and invasions of this province, will hold our first meeting at (naming the tavern or place), in the township of \_\_\_\_\_, in the county of \_\_\_\_\_, on the \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next, at 9 of the clock in the forenoon, and our second meeting at (naming the tavern or place), in the township of \_\_\_\_\_, in the county of \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ next, at 9 of the clock in the forenoon, and we shall continue our sitting for three successive days at each place, and longer. All farmers, merchants, tavern-keepers, teamsters, and all other persons who have any claims upon the country, will punctually attend at the several places and times above-mentioned with their accounts, papers, and witnesses, to prove and substantiate the same, or in default thereof their claims will for ever thereafter be excluded and barred. Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ 1839.

A. B. }  
C. D. } Commissioners.  
E. F. }

No. 5.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.  
Encl. 4 in No. 5.

No. 5.  
Sir Geo. Arthur  
to the Marquis of  
Normanby,  
June 8, 1839.  
—  
Encl. 4, in No. 5.

7. And be it further enacted by the authority aforesaid, That in case any person or persons upon examination upon oath before the said Commissioners, or a majority of them as before mentioned, shall wilfully and corruptly give false evidence, every such person so offending, and being duly convicted thereof, shall, and he and she is, and are hereby declared to be subject and liable to such pains and penalties as by any law now in force persons convicted of wilful and corrupt perjury are subject and liable to.

8. And be it further enacted by the authority aforesaid, That before the said several Commissioners shall finally close their sittings, they or any two of them shall make out a schedule of all claims examined and allowed or rejected by them in the following form, or as near thereto as may be, which said schedule shall be in duplicate and free from erasures or interlineations, and shall be signed by the said Commissioners, or any two of them. " We, the undersigned persons, appointed by his Excellency the Lieutenant-Governor to examine, inquire into, and allow or reject the claims or demands of the inhabitants of the county of \_\_\_\_\_ in the \_\_\_\_\_ district of this province, arising out of the late rebellion and invasions of this province, and having sat at (naming the tavern or place) in the township of \_\_\_\_\_, in the said county, on the \_\_\_\_\_ day of \_\_\_\_\_; and at (naming the tavern or place) in the township of \_\_\_\_\_, in the same county, on the \_\_\_\_\_ days of \_\_\_\_\_; and having carefully and diligently examined the undermentioned persons or their witnesses, and evidence touching their several claims as aforesaid, do allow such claims as we have not rejected altogether at the several sums set opposite the respective parties' names in the third column of the schedule hereunder written, that is to say—

Claimants' Names.	Sums claimed.	Sums allowed.	Rejected altogether.
A. B.	£.   s.   d.	£.   s.   d.	£.   s.   d.

" And we do hereby accordingly, by this writing under our hands, allow the above several sums to be due and payable to the several parties or persons opposite to whose names such sums are respectively entered as sums allowed in the third column of this schedule. As witness our hands this                      day of                      18 ."

## Witness

## Two Witnesses

A. B. }  
C. D. } Commissioners.  
E. F. }

9. And be it further enacted by the authority aforesaid, that the said Commissioners, or any two of them, shall, as soon as possible after the determination of their sittings, examinations, and proceedings, under and by virtue of this Act, seal up and send to his Excellency the Lieutenant-Governor of this province one part of their schedule, and they shall deposit another part with the treasurer of the district, who is hereby required to accept and receive the same; and they shall retain in their possession all the evidence, papers, and vouchers taken by them, until the said several sums allowed shall be finally paid or settled, when such evidence, papers, and vouchers shall, on demand, be handed over to the parties entitled to receive the same; and the copy of the several schedules hereinbefore directed to be delivered to the Lieutenant-Governor, shall be by him laid before the Legislature of this province at the then next ensuing session of Parliament.

10. And be it further enacted by the authority aforesaid, that the said Commissioners shall be entitled to receive the sum of 20s. currency, and no more, for every day they shall be occupied in the travelling to, and returning from, and sitting at any place for the purpose of hearing and determining any matters under the provisions of this Act: Provided that in no case shall any Commissioner be allowed for more than fourteen days' occupation in any one district.

11. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Lieutenant-Governor of this province, as soon as conveniently may be after he shall have received the aforesaid schedule, to issue his warrant or warrants, from time to time, to the said Receiver-General, for the payment of the fees due to the said Commissioners, and for the expenses of printing and publishing any notices or advertisements, or any other reasonable expenses that may be incurred in carrying the provisions of this Act into complete effect, and also for the payment of the several sums allowed to the several claimants in each district; and the said Receiver-General is hereby required thereupon, on demand, to pay to the said several claimants, or their attorneys lawfully constituted, the several sums in the third column in the said schedule, set opposite to their respective names, as sums allowed in and by such schedule; and the Receiver-General shall account to Her Majesty, her heirs and successors, for the same, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, her heirs and successors, shall be graciously pleased to direct: Provided always, that any claims arising under this Act may be paid whenever the same shall be practicable, in the whole or in part, in any debentures or public bills of credit which



shall or may hereafter be issued in aid of the public service, and such debentures or bills of credit shall be a legal tender for the whole, or in part, of any such claims.

Commons House of Assembly, 8th day of May, 1839.

ALLAN N. MACNAB, Speaker.

Legislative Council Chamber, 10th day of May, 1839.

JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

GEO. ARTHUR, Lieutenant-Governor.

No. 5.  
Sir. Geo. Arthur  
to the Marquis of  
Normanby.

June 8, 1839.

Encl. 4 in No. 5.

Enclosure 5, in No. 5.

No. 1152.—AN ACT to authorize the purchase of the private stock in the Welland Canal on the part of this province, and for other purposes therein mentioned.

This Bill reserved for the signification of Her Majesty's pleasure thereon, on Saturday the 11th day of May, 1839.

R A. TUCKER, Provincial Secretary.

WHEREAS it is desirable to place under the exclusive control of the Government of this province the Welland Canal, and for that purpose to provide for the purchase from the private stockholders in that work the stock by them held, and which amounts to the sum of 117,800/., be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the province of Upper Canada constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the 14th year of His Majesty's reign, entitled 'An Act for making more effectual provision for the Government of the province of Quebec in North America, and to make further provision for the Government of the said province'", and by the authority of the same, that, from and after the passing of this Act, it shall and may be lawful for Her Majesty's Receiver-General, upon an order to that effect from the Lieutenant-Governor of this province, to issue such number of debentures as may be required to the several stockholders in the Welland Canal, for a sum equal to the amount of the stock held by him or them, which debentures shall be made redeemable in 20 years from their date, and shall bear an interest of two per cent. per annum on the amount for which they may be issued for the first two years, three per cent. for the third year, four per cent. for the fourth year, five per cent. for the fifth year, and six per cent. for the sixth and following years, and which interest, as well as the principal sum, shall be chargeable upon, and payable out of the public revenues of this province.

Encl. 5 in No. 5.

2. And be it further enacted by the authority aforesaid, that whenever the tolls collected on the said canal shall annually amount to the sum of 30,000/., it shall be lawful for the Lieutenant-Governor to authorize and direct the Receiver-General of the province to issue other debentures to the original stockholders, or their legal representatives, for such sum as will make up six per cent. interest upon the amount of stock by him subscribed and paid for, from the time the same shall have been actually paid in, up to the time of the issuing of the debentures in the first clause of this Act mentioned, which debentures shall be made payable in 20 years from the date thereof, and bear interest at the rate of six per cent., payable half-yearly out of the public revenues of the province.

3. Provided always, and be it further enacted by the authority aforesaid, that nothing herein contained shall be construed to compel any stockholder to accept debentures for the stock by him held as aforesaid, or, in case of refusal to take the same, to deprive him from being paid from the tolls and revenues of the said canal, according to the laws now existing having relation to the said canal.

4. And be it further enacted by the authority aforesaid, that so soon as the stockholders owning two-thirds of the stock in the said canal shall have signified their acceptance of debentures in lieu of stock, as hereinbefore provided, so much of the eighth clause of an Act, passed in the seventh year of the reign of His late Majesty King William IV., entitled "An Act for the permanent completion of the Welland Canal, and for other purposes therein mentioned," as authorizes the annual election of two directors by the private stockholders of the said Welland Canal Company, and as requires the election or appointment of more than three directors for the management of the stock, property, affairs and concerns of the said Welland Canal Company, be, and the same is hereby repealed, and that a majority of the three directors shall be a quorum for the transaction of business. Provided always that the Lieutenant-Governor shall have power and authority to appoint such directors or any of them annually at his discretion.

Commons House of Assembly, 6th day of May, 1839.

ALLEN N. MACNAB, Speaker.

Legislative Council Chamber, 9th day of May, 1839.

JONAS JONES, Speaker.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

GEORGE ARTHUR, Lieutenant-Governor.

No. 6.

(No. 134.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 8th June, 1839.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

IN my despatch, No. 109, of the 14th ultimo, I did myself the honour to inform your Lordship that among the Bills passed during the recent session of the provincial legislature, to which the royal assent had been given, was one (No. 1165) providing for the appropriation of *the funds* intended for the use of the University of King's College, to the support of district grammar-schools.

I should have more correctly stated that the Bill provided for the appropriation of *a portion of the funds*; and in now transmitting a copy of the Bill, I beg to submit a few remarks respecting it; but to enable your Lordship the more distinctly to review the whole subject, it is first necessary that I should take a brief retrospect of previous circumstances having reference thereto.

In compliance with the prayer of a joint address from the provincial legislature, presented in 1797, the King was pleased to direct that a portion of the waste lands of the Crown in Upper Canada should be set apart for the endowment of grammar-schools, and, in process of time, also of a university; under which authority the local government assigned, for these purposes, in the year following, 12 townships, comprising, after the necessary deductions for Crown and clergy reserves, about 549,217 acres.

In consequence of these lands not having proved immediately available, a temporary Act was passed by the provincial legislature in 1807, and made permanent in 1808, and amended in 1820, providing for the establishment of a school, answering to a grammar-school, in each district, and for the annual payment of 100*l.* from provincial funds to the master appointed to conduct it.

These schools, termed "District Schools," in no wise interfered with the object of the general endowment, being irrespective of it, and meant to provide for the pressing wants of the community in the absence of greater means of affording instruction; they were subject to certain regulations, and were placed under the direction of trustees nominated by the Lieutenant-Governor.

Twelve of such schools are now in operation, and a thirteenth is about to be commenced in the Talbot district.

With the exception of an annual sum of 250*l.* being granted by province statute, to every district, for the support of common schools, things appear to have remained in much the same state, in regard to the provision for education, until 1823; about which period the Secretary of State authorized the formation of a General Board of Education for the management of the lands set apart for the purposes of education.

This Board continued to exist until 1832, when its functions ceased, and the lands under its management were re-invested in the Crown, in consequence of the King having been pleased to accede to the request contained in an address from the House of Assembly, that the sums arising from the sale of that portion of the school lands which had not been already alienated, might be paid into the hands of the Receiver-General, to be applied in the promotion of education, in such manner as the Legislature should direct. The rents accruing from any school lands already leased, were also to be similarly disposed of.

Under the auspices of this Board, the question of establishing the proposed university had been brought forward; and it being determined to effect, if possible, that object, as a preliminary step, a royal charter was applied for and granted.

In addition to this mark of favour, as the remote situation of the school townships rendered the lands thereof of comparatively little value, the King munificently resumed about 225,944 acres out of them, alienating, as an equivalent, to the cor-



poration of the university, the like quantity of Crown reserves, mostly under lease, in old settled townships where the lands bore a great value.

But the proceedings, thus favourably commenced, for the establishment of the university, were here arrested. The royal charter which had been granted to it was found too exclusive in its character to be generally acceptable to the community; so much so, that the King was petitioned by the Legislature to replace it by another which should be more suited to the existing want.

Though declining to recommend this course, which they considered open to objection, yet influenced by an earnest desire to meet the wishes of the Canadian people, Her Majesty's Government empowered the provincial legislature to amend the charter according to their own discretion; but it was not before the lapse of several sessions, or before much discussion in both Houses, that they could come to any understanding on the subject.

They finally, however, passed a Bill on the 4th March, 1837, which received Her present Majesty's assent soon after her accession.

The clauses in the royal charter chiefly objected to, appear to have been those relating to the religious tests required of the college council and professors, and the nomination of the Archdeacon of York as president *ex officio*.

In the above interval of time, other plans for the more effectual advancement of education had been suggested and carried into effect; the practical operation of which, combined with other circumstances, has still further retarded the erection of the university, and left indeed the whole project in a state of complete abeyance.

Soon after Sir John Colborne assumed this government, his attention became directed to the state of education in the province; and, as the theme had long been a favourite one with him, he applied himself with vigour to the task of effecting such ameliorations in a defective system as were in his power.

After encountering much difficulty, his zeal and perseverance were rewarded by the establishment of the institution known as "Upper Canada College;" and which, as a seminary, answering in its model to superior grammar schools in England, has conferred, and continues to confer, inestimable benefit upon the country; although its establishment in the capital has given rise to local jealousies; and opinions are entertained that the benefits of the seminary ought in justice to have been distributed by the improvement of the country schools at its expense.

This institution superseded the endowed Royal Grammar School,—which was also a district school,—that had previously existed at Toronto; and the proceeds arising from the sale of the land whereon the one had stood, partly contributed to defray the expense of erecting the buildings requisite for the other.

Sir John Colborne assigned, with the after-approbation of His Majesty's Government, a very eligible location at the west end of Toronto, as the site of this new college, and endowed it with some town lands. About 66,000 acres were also granted to it, as a further endowment, from the residue of the general school lands; and by means of the aggregate funds that were expected to accrue from these sources, and from the fees payable by the students, it was hoped that a sufficient income would be derived for the proper maintenance of the establishment.

This expectation, however, has not been realized; for, owing to the difficulty of disposing advantageously of the bulk of the assigned lands, the whole revenue has fallen far short of the expenditure, and the college has, in consequence, become largely indebted to the endowment of the university, from whose funds the deficiency has been from time to time supplied. It is, indeed, evident that but for this resource, the college must have succumbed beneath the pressure of its pecuniary difficulties.

This part of the case will be best explained to your Lordship by an inspection of the accompanying printed statement, containing an abstract of the fiscal transactions, both of the college and the university, which I caused to be prepared up to the 31st of December last, for the information of the House of Assembly, on an application to that effect.

Your Lordship will remark, that Upper Canada College, by being first in operation, has insensibly reaped the benefits that were reserved for the university, whose advances towards its construction and maintenance have no chance of being reimbursed, until the lands forming the college endowment shall become more valuable. Such reimbursement, however, would, after all, be merely nominal; since, by a clause of the Provincial Act amending the university charter, Upper Canada College has been incorporated with, and forms an appendage to the univer-

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sity; so that, practically, the benefits accruing from the respective endowments assigned to each, would, in a manner, be common to both.

As regards the origin and progress of Upper Canada College, which was opened for the purposes of tuition on the 4th of January, 1830, your Lordship will derive the fullest information on reference to the enclosures of Sir John Colborne's despatch, No. 12, of the 30th of March, 1831, addressed to Viscount Goderich.

From what has preceded, it will be seen that, of the original grant of 549,217 acres, set apart for the advancement of education, there have been,—

Resumed by the Crown, in lieu of scattered reserves	ACRES.
assigned to the university.....	225,944
Resumed by the Crown, in lieu of assignment to Upper	
Canada College .....	66,000
Apparently left disposable for the purposes of schools...	257,273
Total.....	549,217

From the printed statement, it will be further seen, that of the lands constituting the university and the college endowments, there have been sold the respective quantities of 93,737 $\frac{3}{4}$ , and 17,388 acres, leaving, in the one case, a residue of 132,206 $\frac{1}{4}$ , and in the other, of 48,612 acres.

I have no present means of judging how the school lands have been dealt with, beyond the evidence afforded by Sir John Colborne's correspondence with the Secretary of State, that about 17,273 acres of them were appropriated to surveyors for surveying, (that is, in lieu of a money-payment for their labour and disbursements for provisions and wages of chain-bearers, &c.); and about 12,000 acres sold by the General Board of Education; which aggregate would reduce the actual quantity available, to 228,000 acres.

There can be no doubt that the proceeds of the quantity sold by the Board were applied to their legitimate object, but I have no particulars of the appropriation.

The printed abstract of accounts would show the state of the university endowment fund to be as follows:—

	£.	s.	d.
Aggregate amount of actual sales of lands .....	100,809	18	6
Gross amount received on account thereof.....	53,224	14	7
Amount remaining to be realized.....	47,585	3	11
Amount of debt due by Upper Canada College..	33,944	9	0
Value of debentures, stock, &c.....	15,237	10	0
Cash balance, 31st Dec. 1838.....	8,368	2	4
	57,550	1	4
Outstanding balance .....	47,585	3	11
Aggregate fund .....	£105,135	5	3

Assuming all the assets to be available, this statement would exhibit an increase of a fraction more than eight per centum upon the original amount of capital employed: but, as before-mentioned, the amount borrowed for the use of Upper Canada College cannot be considered, under existing circumstances, other than as a positive alienation, though the college lands are in fact liable.

Having laid this summary before your Lordship, I proceed to consider the act of the recent session, intitled, "An Act to provide for the Advancement of Education in this Province."

The preamble states, "that the advancement of education will be better promoted by devoting a portion of the annual revenues of the University of King's College to the support of Upper Canada College and Grammar Schools for several years to come, than by the erection of a university, in the present state of education



in the province ;” “that Upper Canada College, with some changes, easily effected, would afford sufficient accommodation to the public, as a provincial seat of learning, until it should be deemed requisite to erect the university.”

By the first clause, the district schools, of which I have already spoken, are declared to be grammar-schools, coming within the scope of the Act.

By the second, the Lieutenant-Governor is empowered to appoint a board of trustees to each grammar-school, to be entrusted with the general superintendence of its affairs.

By the third, the monies arising from the sale of school lands are to be invested in provincial debentures bearing interest, and the proceeds paid into the hands of the Receiver-General, subject to the control of the council of the University of King's College.

By the fourth, the Lieutenant-Governor is empowered to set apart 250,000 acres of waste lands, to be sold, and the proceeds thereof applied to the use of grammar-schools in the manner before stated.

By the fifth, a sum not exceeding 100% per annum may be advanced to the board of trustees for the support of each grammar-school ; and should this prove inadequate, the council of King's College (the University) are authorized to supply the deficiency. A proviso restricts the operation of this clause to the appropriation of the interest or rents of the property of the university.

By the sixth, the college council may appropriate to Upper Canada College one moiety of the revenues of the university, until the university be erected.

By the seventh, the sum of 200% may be applied to the erection of a school-house in each district, provided that a like sum shall be contributed thereto by the inhabitants.

By the eighth, the Lieutenant-Governor is empowered to apply annually a sum of 100% for the use and support of two other schools than the one in the town, where the Court-house is situated ; a proviso being added, authorizing the extension of this aid to four such extra schools (including the two in question), if deemed expedient by the college council.

By the ninth, the college council is empowered to frame all rules and regulations for the government of all schools contemplated by the Act.

By the tenth and last clause, it is enjoined that an account of all receipts and expenditure under the Act shall be rendered annually to the Lieutenant-Governor, to be laid before the Legislature.

The laudable objects which this Act was intended to promote, and its popularity both within and without the walls of the Legislature, determined me not to withhold my assent to it, as I should have been fully justified in doing, considering that it contravened to an extent the design of a special endowment made by the Crown, and effected important changes which, in strict propriety, should have originated in Her Majesty's Government instead of the Provincial Parliament.

I was, besides, the more induced to acquiesce in the views of the Legislature, as expressed and understood, from a belief that it was the desire of Her Majesty's Government to defer as much as possible to their wishes on all questions affecting the appropriation of funds arising from endowments for the purposes of education.

I gather, indeed, from the general tenour of the despatches on this subject addressed to Sir John Colborne by your Lordship's official predecessors, an intimation of the policy which he was expected to pursue in such matters : and I have thought that, by adopting that line of policy, I could not greatly err.

In a despatch from Lord Goderich, marked “confidential,” of the 5th of July, 1832, I discover a distinct recognition of the claim of the Provincial Legislature to exercise the management of the territorial grants assigned for the purposes of education, it being assumed, from their having in questions of this nature the deepest share of interest, that they are therefore the most competent to judge of what is best adapted to the progressive wants and wishes of the community which they represent.

In stating the reasons which had induced him to recommend to His Majesty the transfer of the control of the school funds from the General Board of Education to the Provincial Legislature, Lord Goderich observes, “that when a change of this nature is desired by the inhabitants themselves, and is called for by an address from their representatives, he is of opinion that, if there were nothing else to be considered than the accomplishment of the immediate object, it would be desirable to comply with wishes which have been so expressed.

Beyond enjoining, therefore, that the funds of the endowment thus placed at the

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control of the Provincial Legislature should not be diverted from their governing object—the promotion of education—Lord Goderich did not think it expedient to prescribe any set regulations for the practical application of those funds; his Lordship observing, that it would be worse than useless to destroy the grace of the concession which had been made by attempting to clog it with objectionable conditions.

Believing that these arguments apply with equal, if not, indeed, with greater force, in the present instance, although the respective cases be not quite analogous, I have not hesitated to adduce them in implied support of the Act which has been passed, and is now brought under your Lordship's notice.

So long as means were wanting to confer elementary instruction commensurable with the increasing demands of the community, it is scarcely suprising that the prior formation of a metropolitan seat of learning, of necessity exclusive to the many, should have been viewed with disfavour, not to say jealousy, by those even, who, under more propitious circumstances, would have been well satisfied to see it in active operation.

It has certainly appeared to me that the concentration of means accruing from a productive endowment, on a seminary beneficial only to the few, when the elementary schools, owing to the present unproductiveness of their endowment, from causes beyond control, were in a state of comparative destitution, was a proceeding not only inverting the order of the entire scheme, but eminently calculated to create a very invidious and dissatisfied feeling on the part of a large portion of the community.

Still such feeling might be carried to too great a length, as appears, indeed to have been the case on various occasions when public attention has been directed to a consideration of the means of promoting education.

I have the honour to enclose a pamphlet, lately published by order of the House of Assembly, containing an abstract of the proceedings of the Provincial Legislature during the years 1831, 1832, and 1833, on the subject of the lands set apart for the purposes of education.

In April, 1834, Sir John Colborne transmitted to the Secretary of State an address from the House of Assembly, praying that either all the lands set apart in Upper Canada for the advancement of education, might be restored; or if that were impracticable with respect to lands granted to individuals, that an equivalent appropriation might be made in lieu of the portion thus subtracted.

I gather from Lord Aberdeen's despatch, No. 5, of the 7th of January, 1835, written in reply to Sir John Colborn's communication, that this address raised three questions:—first, whether the estates reserved for the purposes of education had been improperly diminished; secondly, whether the part allotted to the University of King's College was disproportionate to the whole; thirdly, whether such exchanges as had been from time to time effected of the original lands, had proved disadvantageous to the interests of the endowment.

The first and last points Lord Aberdeen disposed of very satisfactorily by showing that the Assembly laboured under a misconception in regard to the extent of the original grant, and adducing various circumstances in proof that such exchanges of lots as had been effected were, upon the whole, beneficial to the endowment, and that few or no absolute and uncompensated deductions had been made.

On the second point his Lordship deferred expressing any definite opinion, because the amendments to the University Charter being then under the consideration of the Provincial Legislature, he thought it would be premature to form a judgment on the suitable endowment of an institution, whereof the nature and probable extent could not be deemed finally determined.

Under these circumstances his Lordship contented himself with remarking, that whatever difference of opinion might exist as to the *appropriate share* to be devoted to the purpose, there could be no doubt that the allotment of *some* of the reserves for education to a university was strictly conformable with the objects of the endowment, and that to *exhaust the entire amount* of the estate in the enrichment of district schools, would contravene the designs of those by whom the property was first set apart.

I do not doubt that your Lordship will concur in the inference which I draw from these observations, that the Earl of Aberdeen would not have denied to the Provincial Legislature the exercise of the power they have now assumed in passing the present Act, since it contemplates not the exhaustion of the estate appertain-



ing to the University, but merely the provisional appropriation of a portion of the revenues arising from it.

I think, therefore, that the Legislature have judged wisely, and have studied the real interests of the community which they represent, in preferring, as they could not at present combine all the objects of the educational endowment, to concentrate the limited means immediately available, on one fundamental object, rather than to neutralize them by an untimely division among many; in resolving, in short, to divert temporarily those means from their legitimate channel, until, when so required, they could again flow into it, through another source, in lieu of allowing them to remain stagnant, when their circulation might be productive of great moral benefit to the mass of the community.

Nevertheless, my Lord, I would not wish your Lordship so to interpret the foregoing observations as to conclude that, viewed in itself, I am in any way opposed to the establishment of the intended University; since, on the contrary, I consider that such an institution would be productive of very great benefit, more particularly as regards the faculties of law and medicine, if it could once be fairly put in operation. My arguments, deduced mainly, as they are, from the various documents bearing on the question that I have had occasion to inspect, must be considered as essentially applying to the expediency of the case which has been under examination; and I especially desire to state that, while on the one hand I am deeply impressed with the importance of placing the elementary schools of the province on an efficient footing, on the other I am no less sensible of the serious inconvenience which is occasioned to many of the provincial youth, from the non-existence of a superior seminary, wherein professional instruction and degrees may be obtained.

I fear, indeed, that the imperfect institution for which this Bill provides, will but ill supply—notwithstanding what is stated in its preamble—the place of the University, as at first contemplated; and I can only, therefore, hope that the present measure, urged as it is by so many high and important considerations, may not have the effect of deferring, to a late and indefinite period, the establishment of a respectable University.

For any further information than that which I have furnished on the subject generally, of the state of education in Upper Canada, and the means taken to promote it on a systematic plan, I have the honour to refer your Lordship to the correspondence in relation to those topics which has passed between the Colonial Office and this Government, in the interval from 1823 to 1837. From the latter year until the recent session, the circumstances of the country have diverted the attention of the Legislature from a further consideration of the matter, which was at length revived by the absolute necessity that existed for their intervention.

I could have well wished, my Lord, that coeval with the arrangements which have been made, it had been possible to effect some amelioration, both as to means and ends, in regard to the common schools, which, as I had the honour to inform Lord Glenelg in my despatch No. 111, of the 18th of December last, enclosing a communication on the same subject from the Bishop of Montreal, were in a lamentably inefficient state.

The despatch regarding common schools, referred to in the one just quoted, as having been addressed by me to your Lordship's predecessor, and respecting which inquiry was made in Lord Glenelg's despatch No. 209, of the 7th of February, was never forwarded; and as I am at present unable to say that my own mind is definitely made up on the subject to which it refers, I must beg that your Lordship will consider it as withdrawn.

At an early period I shall take occasion to address your Lordship again respecting the schools, and I have now entered into so much detail, because I intend to follow up my inquiries into education generally, which is in a lamentable state, and to propose such measures as I anxiously hope may tend to the improvement and welfare of the lower classes throughout the province.

With this view I have, as Chancellor of the University, caused a most searching inquiry to be made into all its affairs.

I have the honour to be, my Lord,

Your Lordship's most obedient humble Servant,

GEO. ARTHUR.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

Enclosure 1, in No. 6.

Letter from Bursar of King's College, transmitting Abstracts of Accounts of King's College and Upper Canada College, for 1836, 1837, and 1838.

SIR, King's College Office, April 16th, 1839.

I HAVE the honour herewith to transmit to you a part of the returns which, by direction of his Excellency the Lieutenant-Governor, I was required to furnish in compliance with an address from the House of Assembly. These now sent are as follows :—

Three annual Abstracts of the General Account Current of the Bursar's Receipts and Payments on account of King's College for the years 1836, 1837, and 1838.

Three ditto for the same period on account of Upper Canada College.

N.B.—Those for preceding years have long since been laid before the House of Assembly, and are recorded in their journals.

Also, a Return of the amount of Government Debentures, Bank Stock, and notes of individuals bearing interest.

The other return called for in the said address respecting the sale of lands belonging to the two Colleges, and the average price per acre, I shall have the honour of transmitting to-morrow or next day, and I hope to be pardoned for the delay on account of my anxiety that the return should be correct, and as I have to retrace a period of upwards of 10 years, it may be imagined that it requires a very laborious investigation to render it so.

I have the honour to be, Sir,  
Your most obedient humble servant,  
JOSEPH WELLS,  
Bursar of King's College.

Hon. John Macaulay,  
Civil Secretary, &c. &c. &c.

ABSTRACT OF THE BURSAR'S GENERAL ACCOUNT CURRENT WITH KING'S COLLEGE FOR THE YEAR 1836.

1836.	Dr.	£. s. d.	1836.	Cr.	£. s. d.
	To balance from last year's abstract, as laid before the House of Assembly in the Session of 1836 . . . . .	3,029 10 0		By the Desjardins Canal Company :—	
From Jan. 1 to Dec. 31.	To aggregate amount of rent received on leased lots of land :—		From Jan. 1 to Dec. 31.	Jan. 2. A payment of the premium and interest on the purchase of five Government debentures from them of £200 each, No. 10 to 14, the loan upon which was charged in the last year's abstract . . . .	12 19 7
	For the half-year ending June 30. . £672 14 8			By sums advanced as a further loan to the said Company which have since been paid by Government debentures :—	
	Ditto, ditto, Dec. 31, 560 5 5	1,233 0 1		February 18 . . £200 0 0	
	To aggregate amount of first payments received on account of sales of land during the year :—			March 21 . . . 200 0 0	400 0 0
	For the half-year ending June 30. . £813 9 9			March 29. By a payment to the said Company of the balance of the premium and interest on two Government debentures of £200 each, Nos. 15 and 16, which latter repaid the two sums advanced as above .	6 5 2
	Ditto, ditto, Dec. 31 556 6 3	1,369 16 0		Sept. 16. By a payment to the said Company for the purchase of a Government debenture, No. 17, for £600 at two per cent. premium . . £12 0 0	612 0 0
	To aggregate amount of sums received on account of subsequent instalments on former sales :—			October 21. By a sum advanced on a loan to the said Company, to be repaid by Government debentures . . . .	1,000 0 0
	For the half-year ending June 30 . £2513 8 3				
	Do. do., Dec. 31, 2,415 12 9	4,929 1 0			
	To aggregate amount of sums received on account of interest on subsequent payments :—				
	For the half-year ending June 30 . £597 19 10				
	Do. do., Dec. 31 . 770 17 3	1,368 17 1			
	Amount carried forward	12,530 4 2		Amount carried forward	2,031 4 9



ABSTRACT—continued.

1836.	Dr.	£.	s.	d.	1836.	Cr.	£.	s.	d.
	Brought forward . . .	12,530	4	2		Brought forward—Total amount of payments to the Desjardins Canal Company in the year 1836 . . . . .	2,031	4	9
From Jan. 1 to Dec. 31.	To aggregate amount of dividends received on 20 shares of bank stock :—					By a sum advanced on loan to the Hon. and Venerable Archdeacon Strachan, which was afterwards sanctioned by the College council, as a part of a loan for £5,250, which was agreed to be advanced to him upon the security of approved notes of hand, and indorsed by himself . . . . .	1,000	0	0
	For the half-year ending 1st January . . . £10 0 0					By Robert Stanton, for two accounts for books, stationery, parchment deeds, blank indentures and leases, and also for advertising in the years 1834 and 1835, which were not before sent in for payment, as the amounts were then intended as payments on land :—			
	Ditto, ditto, 1st July . . 10 0 0	20	0	0		For the year 1834, £21.7s.1d.; for do. 1835, £38.10s.3d. £59 17 4			
	To aggregate amount of interest received on a loan of £1000 to the Hon. and Venerable Archdeacon Strachan :—					Deduct part charged to U. Can. College . . . . .	10	0	0
	For the half-year ending 30th June . . . £30 0 0								49 17 4
	Ditto, ditto, 31st Dec. . . 30 0 0	60	0	0		By the total amount of sundry periodical issues to Mr. J. Wedd as overseer of the college-grounds, to pay wages to labourers, and for teams employed in improvements upon the same. Vide Appendix for an enumeration of the several payments . . £285 10 1			
	To sundry amounts of interest received on sundry Government debentures :—					Jan. 19, paid J. Harper for carpenter's work on gates, fences, &c. . . . .	8	19	10
	May 20, half-year's interest on two of £1000, Nos. 8 and 9, to April . . . . . £60 0 0					March 1, paid Prince and Sons, of New York, for trees, shrubs, &c. . . . .	10	2	5
	June 30, do. do. on one of £1000, No. 7. to 1st July . . . . . 30 0 0					Nov. 8, paid do. do. . . . .	13	5	0
	Sept. 17, do. do. on five of £200, Nos. 10 to 14, to 1st July . . . 30 0 0					Paid James Brown, wharfinger, for freight, wharfage, &c. for do. . . . .	1	10	6
	Nov. 30, do. do. on two of £1000, Nos. 8 and 9, to 1st October . . 60 0 0						319	7	10
	Nov. 30, do. do. on two of £200, Nos. 15 and 16, to 1st October . . 12 0 0					Deduct from this expenditure the following sums received :—			
	Dec. 19, do. do. on one of £1000, No. 7, to 1st January . . . . 30 0 0	222	0	0	Jan. 24.	From Mr. John Wedd, on the sale of 608 bushels of barley, at 2s. 3d. . . £68 7 10			
						From Mr. Grant Powell, for shrubs charged in the account of Prince and Sons . . . . .	5	17	6
							74	5	4
							£245	2	6
	Amount carried forward .	12,832	4	2		Amount carried forward .	3,081	2	1

ABSTRACT—continued.

1836.	Dr.	£.	s.	d.	£	Cr.	£.	s.	d.
	Brought forward . . .	12,832	4	2	3	Amounts brought forward . . .	£245 2 6	3,081	2 1
From Jan. 1 to Dec. 31.					From Jan. 1 to Dec. 31.	Paid quarterly to Mr. John Wedd, as overseer of the College grounds, his salary of 5s. per day, which for this year (being leap year) is £91 10 0			
						Deduct a proportion charged to Upper Canada College, by order of the Council for his occasional services on the grounds belonging to it	6 5 0		
							85 5 0		
						Balance of expenditure upon the College grounds . . . . .		330	7 6
						By T. D. Harrington, two payments of £12. 10s. and £10. 6s., for services as an extra copying clerk, to prepare voluminous returns for several years past, as called for by the House of Assembly, regarding both Colleges. . . £22 16 0			
						Deduct part charged to the U. C. College, 10 6 0		12	10 0
						By amount of payments of the annual salaries:—			
						Lieut.-Col. Wells, registrar and bursar, £300 0 0			
						Mr. E. J. Ridout, senior clerk . . . 150 0 0			
						Mr. H. Hawkins, junior do. and messenger . . . . . 75 0 0		525	0 0
						By sundry payments for the contingencies of the office:—			
						One year's rent for the office . . . . . £40 0 0			
						One year's assessment, James Stewart, for 42 cords of wood for the winter 1835, - at 11s. 10½d. . . . . 24 18 9			
						John Harper, for carpenter's work. . . 3 1 3			
						Jacques and Hay, for a book-case . . . 6 1 6			
						Henry Rowsell, for books & stationery, 13 17 3			
						Robert Stanton, for do. also for parchment deeds of sale, blank indentures, leases, and printing . . . 37 8 10			
						Postages during the year . . . . . 6 15 9			
						Small expenditures, as per petty cash-book 8 16 10			
	Amount carried forward .	12,832	4	2		Amount carried forward .	3,948	19	7



ABSTRACT—continued.

1836.	Dr.	£.	s.	d.	1836.	Cr.	£.	s.	d.
	Brought forward . .	12,832	4	2		Brought forward . .	3,948	19	7
From Jan. 1 to Dec. 31.					From Jan. 1 to Dec. 31.	J. E. Ridout, 2 pay- ments for 64 cords of wood laid in for the winter of 1836, at 11s. 10½d. . . . .	38	0	0
							181	2	8
						By balance of sums received and paid on account of Upper Canada College, as per separate abstract, and which is to be added to the former debt to the 31st December, 1835.			
						Vide Memorandum below* . .	1,408	14	5
							5,538	16	8
						By balance carried forward to the next year's abstract . .	7,293	7	6
		12,832	4	2			12,832	4	2

Errors Excepted.

JOS. WELLS,  
BURSAR.

Appendix referred to in the Abstract for 1836.

PAYMENTS TO MR. J. WEDD, FOR LABOUR ON THE COLLEGE  
GROUNDS.

1836.	£.	s.	d.	1836.	£.	s.	d.
January 2 ..	2	5	0	Brought up ..	135	5	0
„ 9 ..	9	14	0	July 16 ..	10	0	7
„ 15 ..	5	14	0	„ 23 ..	6	15	0
„ 23 ..	5	4	0	„ 30 ..	6	7	6
„ 30 ..	2	14	0	August 6 ..	8	1	3
Feb. 6 ..	4	19	0	„ 13 ..	7	2	6
March 12 ..	3	0	0	„ 20 ..	6	13	1
April 2 ..	2	15	0	„ 26 ..	6	11	3
„ 9 ..	3	18	0	Sept. 3 ..	6	15	0
„ 16 ..	3	2	0	„ 10 ..	8	1	3
„ 23 ..	3	6	6	„ 17 ..	8	2	8
„ 30 ..	4	5	6	„ 24 ..	6	7	6
May 7 ..	6	15	0	October 1 ..	8	5	0
„ 14 ..	10	19	4	„ 8 ..	6	16	10
„ 21 ..	11	1	3	„ 15 ..	7	19	5
„ 28 ..	7	4	4	„ 22 ..	6	11	3
June 4 ..	7	15	8	„ 29 ..	6	7	6
„ 11 ..	8	18	2	Nov. 5 ..	8	2	6
„ 18 ..	7	6	3	„ 12 ..	8	2	6
„ 25 ..	6	11	3	„ 19 ..	8	8	9
July 2 ..	8	16	3	„ 26 ..	5	8	9
„ 9 ..	9	0	0	Dec. 3 ..	3	0	0
				„ 24 ..	2	5	0
Carried up ..	135	5	0		285	10	1

\* Memorandum referred to above.

Total amount of debt due from Upper  
Canada College to 31st December, 1835,  
as per abstract laid before the Legisla-  
ture in the Session of 1836 . . . . . £29,215 10 6  
Add the balance of receipts, and ex-  
penditure for the year ending 31st De-  
cember, 1836, as above . . . . . 1,408 14 5

Total amount of debt to King's College to  
31st December, 1836 . . . . . 30,624 4 11

ABSTRACT OF THE BURSAR'S GENERAL ACCOUNT CURRENT WITH KING'S COLLEGE  
FOR THE YEAR 1837.

1837.	Dr.	£.	s.	d.	1837.	Cr.	£.	s.	d.
	To balance from last year's abstract . . . . .	293	7	6		By the Desjardins Canal Company, further sums advanced on loan, to be repaid by Government Debentures :—			
From Jan. 1 to Dec. 31.	To aggregate amount of rents received on leased lots of land :—				From Jan. 1 to Dec. 31.	May 26 . . . £1,770 0 0			
	For the half year ending June 30 . £806 13 10					" 27 . . . . 630 0 0			
	Do. do. Dec. 31 . . 193 9 4	1,000	3	2		July 6 . . . . 600 0 0			
	To aggregate amount of first payments received on account of sales of land during the year :—					" 22 . . . . 400 0 0			
	For the half year ending June 30 . £842 15 6					" 27 . . . . 600 0 0	4,000	0	0
	Do. do. Dec. 31 . . 436 6 6	1,279	2	0		This amount, together with a former loan of £1,000, which was charged in last year's abstract, has been since paid by Government debentures, viz.—			
	To aggregate amount of sums received on account of subsequent instalments on former sales :—					Four of £500 each, Nos. 386 to 389 £2,000 0 0			
	For the half year ending June 30 £3,850 9 10					Seven of £200 each, Nos. 390 to 396 . . . . 1,400 0 0			
	Do. do. Dec. 31 . . 1,313 0 0	5,163	9	10		Eight of £200 each, Nos. 406 to 413 . . . . 1,600 0 0			
	To aggregate amount of sums received on account of interest on subsequent payments :—					£5,000 0 0			
	For the half year ending June 30 . £1,039 8 9					By the Honourable and Venerable Archdeacon Strachan, two further advances on a loan of £5,250, on approved notes of hand, sanctioned by the College Council :—			
	Do. do. Dec. 31 . . 397 11 2	1,436	19	11		January 9 . . . £2,000 0 0			
	To aggregate amount of dividends received on 20 shares of Bank stock :—					February 21 . . . 2,250 0 0	4,250	0	0
	For the half year ending Jan. 1 . £10 0 0					By the total amount of sundry periodical issues to Mr. J. Wedd, as overseer of the College grounds, to pay wages to labourers, and for teams employed in improvements upon the same, including the Macadamizing a cross road from Yonge-street . £668 4 10			
	Do. do. July 1 . . 10 0 0	20	0	0		(Vide Appendix for an enumeration of payments).			
	To two amounts of interest received from the Desjardins Canal Company on loan advanced :—					January 28, J. Harper, for carpenter's work on the grounds . . . 40 0 0			
	May 30, seven month's interest on £1,000 . . £35 0 0					May 27, J. Chilvers, for a large iron grate for drain . 5 8 9			
	August 18, interest for broken period on £1,600 . . 3 17 7	38	17	7		November 4, J. Harper, for carpenter's work . 11 13 7			
	To sundry amounts of interest received on sundry Government Debentures :—					£725 7 2			
	Feb. 3, half year's interest on five of £200, Nos. 10 to 14, to January 1 . £30 0 0					Deduct from this expenditure a sum received from Mr. John Wedd for 50 cords of wood at 6s. 3d. . . 15 12 6			
	March 31, do. do. on two of £1,000, Nos. 8 and 9, to April 1 £60 0 0					Amount carried forward . } £709 14 8	8,250	0	0
	March 31, do. do. on two of £200, Nos. 15 & 16, to April 1 £12 0 0								
	March 31, do. do. on one of £680, No. 17, to March 16 . £18 0 0								
	June 30, do. do. on one of £1,000, No. 7, to July 1 £30 0 0								
	August 15, do. do. on five of £200, Nos. 10 to 14, to July 1 £30 0 0								
	Amount carried forward . } £180 0 0	16,232	0	0					



## ABSTRACT—continued.

1837.	Dr.	£.	s.	d.	£.	s.	d.	1837.	Cr.	£.	s.	d.	£.	s.	d.
	Brought forward	180	0	0	16,232	0	0		Brought forward	709	14	8	8,250	0	0
From	Sept. 25, half-year's							From	Paid quarterly to Mr.						
Jan. 1	interest on one of							Jan. 1	John Wedd, over-						
to	£600, No. 17, to							to	seer of the Col-						
Dec. 31.	Sept. 16 . . .	18	0	0				Dec. 31.	lege grounds, his						
	Nov. 18, do. do. on								salary at 5s. per						
	two of £1,000,								day . . £91 5 0						
	Nos. 8 and 9, to								Deduct a						
	Oct. 1 . . .	60	0	0					proportion						
	Nov. 18, do. do. on								charged to						
	two of £200, Nos.								U. C. Col-						
	15 and 16, to								lege for his						
	Oct. 1 . . .	12	0	0					occasional						
	Nov. 28, do. do. on								services on						
	four of £500,								the grounds						
	Nos. 386 to 389,								belonging						
	to Nov. 26 . .	60	0	0					to it . . 6 5 0						
	Nov. 28, do. do. on									85	0	0			
	seven of £200,												794	14	8
	Nos. 390 to 396,								By two payments directed by Dr.						
	to Nov. 26 . .	42	0	0					Widmer. authorized by the Col-						
	Dec. 30, do. do. one								lege Council:—						
	of £1,000, No. 7,								April 24, Nelson Cook,						
	to Jan. 1 . . .	30	0	0	402	0	0		for an oil painting of						
									an amputated leg £4 0 0						
									May 6, Becket and Co.						
									for sundry articles for						
									surgical preparations 1 7 3						
													5	7	3
									By Mr. John Radenhurst, two						
									payments for descriptions of						
									lots deeded in fee simple:—						
									May 26, for 56 at						
									2s. 6d. . . . £7 0 0						
									August 22, for 44 at						
									2s. 6d. . . . 5 10 0						
										12	10	0			
									Deduct 11, charged to						
									Upper Canada Col-						
									lege . . . . 1 7 6						
													11	2	6
									By the amount of payments of						
									the annual salaries:—						
									The Honourable and						
									Venerable Archdea-						
									con Strachan, as						
									president of the						
									university £250,						
									sterling . . . £277 15 6						
									Lieut.-Colonel Wells,						
									registrar and bur-						
									sar . . . . 300 0 0						
									Mr. J. E. Ridout,						
									senior clerk . . 150 0 0						
									Mr. H. Hawkins,						
									junior do., &c. &c. 75 0 0						
									Mr. Thomas Young,						
									architect for the						
									proposed buildings						
									eight months, from						
									May 1 to Dec. 31,						
									at £200 per an-						
									num . . . . 133 6 8						
													936	2	2
									By sundry payments for the con-						
									tingencies of the office:—						
									One year's rent for						
									the old office . . 40 0 0						
									Three months do. for						
									the new office, to						
									September 1 . . 12 10 0						
									John Harper, for car-						
									penter's work . . 1 8 6						
									Carried forward .	53	18	6			
	Amount carried forward .				16,634	0	0		Amount carried forward .				9,997	6	7

## ABSTRACT—continued.

Dr.		£.	s.	d.	Cr.		£.	s.	d.
1837	Amount brought forward . .	16,635	4	1	1837	Brought forward	£53	18	6
									9,998 6 7
From					From				
Jan. 1					Jan. 1	Ditto, for fitting up a			
to					to	large book case in			
Dec. 31.					Dec. 31.	the new office, &c.			
						&c. . . . .	10	8	10
						H. Hawkins, for a			
						walnut writing desk	4	0	0
						Hon. G. H. Markland,			
						for a stove . . .	4	0	0
						Ditto, for a walnut			
						brass bound chest			
						for deeds . . .	2	10	0
						Richard Gregory, for			
						a stove for the coun-			
						cil room . . .	4	0	0
						Dr. Deihl, for 13 cords			
						of wood left in the			
						office yard when he			
						gave possession, at			
						11s. 3d. . . . .	7	6	3
						Henry Hawkins, for			
						extra hours copying			
						duplicate books .	16	8	0
						Henry Roswell, for			
						books, stationery, &c.	13	3	10
						J. E. Ridout, to pay			
						for 40 cords of wood			
						at 11s. 10½d. . .	23	15	0
						Samuel Adams, for			
						cutting, carrying,			
						and piling cordwood	4	19	6
						Postages during the			
						year . . . . .	8	11	3
						Small expenditures as			
						per petty cash book	5	16	3
									158 17 5
									10,156 4 0
						By balance of sums received and			
						paid on account of Upper Ca-			
						nada College, as per separate			
						abstract, and which is to be			
						added to the former debt to			
						31st Dec. 1836 . . . .	1,934	19	9
						Vide memorandum on the other			
						side* . . . . .	12,090	3	9
						By balance carried forward to			
						next year's abstract . . .	4,542	16	3
									16,634 0 0

Errors excepted.

JOS. WELLS,  
Bursar.

Memorandum referred to.

Former debt from Upper Canada College to King's College to 31st Dec., as per last year's abstract . . . . . £30,624 4 11

To which add the balance of receipts and expenditure for the year ending 31st Dec., 1837, as per foregoing abstract . . . . . 1,934 19 9

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Total amount of debt to Dec. 31, 1837. £32,559 4 8

## APPENDIX

*Referred to in the Abstract for 1837. Payments to Mr. J. Wedd for labour in the College Grounds.*

1837. January	7	.	.	£4	2	6	Brought forward	.	£79	14	11	Brought forward	.	£226	16	1				
	14	.	.	3	7	6	1837. May	6	.	.	7	11	10	1837. August	26	.	.	36	12	6
	21	.	.	2	10	0		12	.	.	6	10	0	Sept.	2	.	.	24	8	9
	28	.	.	4	17	6		20	.	.	7	0	8		9	.	.	26	16	10
Feb.	4	.	.	4	10	0		27	.	.	10	17	6		16	.	.	39	8	9
	12	.	.	4	17	6	June	3	.	.	12	7	6		23	.	.	42	9	6
	18	.	.	4	11	2		10	.	.	9	1	11		30	.	.	34	15	0
	25	.	.	3	10	0		17	.	.	8	16	9	October	7	.	.	33	9	4
March	4	.	.	4	15	0		24	.	.	8	12	6		14	.	.	51	3	6
	11	.	.	6	5	0	July	1	.	.	8	12	6		21	.	.	38	4	3
	18	.	.	5	15	0		8	.	.	8	16	3		28	.	.	26	8	0
	25	.	.	4	2	6		15	.	.	11	14	5	Nov.	4	.	.	29	5	6
April	1	.	.	4	5	0		22	.	.	15	9	4		11	.	.	15	13	1
	8	.	.	5	5	0		29	.	.	9	3	9		18	.	.	17	6	3
	15	.	.	6	6	3	August	5	.	.	9	0	0		25	.	.	5	16	3
	22	.	.	5	6	3		12	.	.	7	15	8	Dec.	2	.	.	9	11	3
	29	.	.	5	8	9		19	.	.	15	10	7			.	.			
Carried forward	.	.	.	79	14	11	Carried forward	.	.	.	226	16	1	Total amount	.	.	.	£668	4	10



ABSTRACT OF THE BURSAR'S GENERAL ACCOUNT CURRENT WITH KING'S COLLEGE  
 FOR THE YEAR 1838.

1838	Dr.	£. s. d.	1838	Cr.	£. s. d.
	To balance from last year's abstract . . . . .	4,542 16 3		By the total amount of sundry periodical issues to Mr. J. Wedd, as overseer of the College Grounds, to pay wages to labourers and for teams employed in improvements upon the same, including the Macadamizing a cross road from Yonge-street, vide Appendix for an enumeration of the several payments £511 13 1	
From Jan 1 to Dec. 31.	To aggregate amount of sums received on leased lots of land, For the half year ending June 30 . . £204 5 10		From Jan. 1 to Dec. 31.	March 17, John Ritchie in full of an account for fencing and other jobs . . . 20 1 6	
	Ditto, Dec. 31 . . 313 7 11	517 13 9		Oct. 20, ditto for constructing brick canal drains and sundry jobs to lodges, fences, &c. . . . . 56 3 0	
	To aggregate amount of first payments received on account of sales of land during the year, For half year ending June 30 . . .145 1 6				597 17 7
	Ditto, Dec. 31. . .409 14 0	554 15 6		Deduct from this expenditure a sum received from J. Wedd, being an amount collected by him for the pasturing of cattle . 52 0 0	
	To aggregate amount of sums received on account of subsequent instalments on former sales, For the half year ending June 30 . .1979 1 9				545 17 7
	Ditto, Dec. 31 . .1792 15 9	3,771 17 6		Paid quarterly to Mr. John Wedd, as overseer of the College Grounds, his salary of 5s. per day, 365 days at 5s. 91 5 0	
	To aggregate amount of sums received on account of interest on subsequent payments, For the half year ending June 30 . . 622 15 9			Deduct a proportion charged to Upper Canada College for his occasional services on the grounds belonging to it 6 5 0	
	Ditto, Dec. 1 . . 633 2 2	1,255 17 11			85 0 0
	To aggregate amount of dividends received on 20 shares of Bank Stock, For half year to Jan. 1 . . . . . 10 0 0				630 17 7
	Ditto, July 1. . . 10 0 0	20 0 0		By amount of payments of the annual salaries.	
	To 2 amounts received in part payment of the loan to the Hon. and Ven. Archdeacon Strachan. From the Hon. Allan Macnab, in payment of a note of hand for £187. 10s., and 1 year's interest, £11. 5s. . . . 198 15 0			The Hon. and Venerable Archdeacon Strachan as president of the university . . .277 15 6	
	From the Hon. Wm. Morris, ditto . . 198 15 0	397 10 0		Lieut.-Col. Wells, registrar and bursar .300 0 0	
	To sundry amounts of interest on sundry Government Debentures. Feb. 12, ½ year's interest on 5 of £200, Nos. 10 to 14, to Jan. 1 .30 0 0			Mr. E. J. Ridout, senior clerk . . . . .150 0 0	
	Feb. 17, ditto on 8 of £200, Nos. 406 to 413, to Feb. 1 . . 48 0 0			Mr. H. Hawkins, junior clerk and messenger .100 0 0	
	March 26, ditto on 1 of £600, No. 17, to March 16. . . .19 0 0				827 15 6
	May 22, ditto on 2 of £1000, Nos. 8 and 9, April 1 . . . .60 0 0			Mr. Thomas Young, architect for the proposed buildings . . . .200 0 0	
		156 0 0			1,027 15 6
	Amount carried forward .	11060 10 11		Amount carried forward . .	1,658 13 1

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ABSTRACT—continued.

Dr.			Cr.		
1838		£. s. d.	1838		£. s. d.
From Jan. 1 to Dec. 31.	Brought forward . £156 0 0	11,060 10 11		Amount brought forward .	1,658 13 1
	May 22, ½ year's interest on 2 of £200, Nos. 15 and 16, to April 1 .	12 0 0		By Thomas Wallis, for a set of chairs for the Council room .	27 15 0
	May 25, ditto 4 of £500, Nos. 386 to 389, to May 26 . . . . .	60 0 0		By E. Lesslie and Sons, in full of an old account for books and stationery, which had been erroneously mingled with an account against the Clergy Corporation, and deducted therefrom by the then secretary .	16 4 4
	May 25, ditto 7 of £200, Nos. 390 to 396, to May 26 . . . . .	42 0 0		By Henry Rowsell, in full of an account for sundry articles of stationery, supplied to Mr. Young the architect, &c. . .	7 14 6
	June 30, ditto 1 of £1000, No. 7 to May 26. . . . .	30 0 0		By John Harper, for sundry wood boxes and packing cases for the books, when removed from the office during the disturbances . . . . .	5 7 11
	August 24, ditto 5 of £200, Nos. 10 to 14, to July 1 . . . . .	30 0 0		By John Radenhurst, for 40 descriptions of lots deeded in fee simple £5 0 0	
	Sept. 15, ditto 8 of £200, Nos. 406 to 413, to Aug. 1 . . . . .	48 0 0		Deduct for 3 charged to U. C. College . 0 7 6	4 12 6
	Oct. 22, ditto 1 of £600, No. 17, to Sept. 16 .	18 0 0		By sundry payments for the contingencies of the office.	
	Nov. 5, ditto 2 of £1000, Nos. 8 and 9, to Oct. 1 . . . . .	60 0 0		1½ year's rent for the house at £50, to 1st December . . . . .	.62 10 0
	Nov. 5, ditto 2 of £200, Nos. 15 and 16 and 16, to Oct. 1 . . . . .	12 0 0		1 year's assessment on ditto. . . . .	2 16 3
	Nov. 22, ditto 4 of £500, Nos. 386 to 389, to Nov. 26 . . . . .	60 0 0		Robert Stanton's account for 18 months, for books, stationery, parchment deeds, blank indentures, and leases to July 1. .39 5 9	
	Nov. 22, ditto 7 of £200, Nos. 390 to 396, to Nov. 26 . . . . .	42 0 0		Henry Rowsell's account for books and stationery to December 28 . . . . .	.18 4 10
	Dec. 27, ditto 1 of £1000, No. 7, to Jan. 1 . .	30 0 0		E. J. Ridout, to pay for 45 cords of wood at 11s. 10½d. . .26 14 4	
		600 0 0		Robson and Wilson, for window blinds and a stand . . . . .	5 13 6
				John Ritchie, for fitting up a partition and door in the office passage . . . . .	1 10 0
				Thomas D. Harris, for mats . . . . .	1 5 3
				Alexander Ogilvie, for candles for the illumination . . . . .	1 17 6
				Postages during the year . . . . .	7 18 3
				Postage, a payment due to the late P. M. to December 12 when dismissed, and since paid to M. Berczy . 2 2 0	
				By aggregate amount of sundry payments to editors of newspapers for advertizing the notices to builders, &c. . .11 5 10	
	Amount carried forward .	11,660 10 11		Carried forward.	181 3 6
					1,720 7 4



ABSTRACT—continued.

1838	Dr.	£.	s.	d.	1838	Cr.	£.	s.	d.
	Amount brought forward . .	11,660	10	11		Brought forward, £181 3 6	1,720	7	4
From Jan. 1 to Dec. 31.						Small expenditures as per petty cash book. . . . .	5 3 5		
								186	6 11
								1,906	14 3
						By balance of sums received and paid on account of Upper Canada College, as per sepa- rate abstract, and which is to be added to the former debt to 31st December, 1837. <i>Vide</i> memorandum below* . . .		1,385	4 4
								3,291	18 7
						By balance carried forward to next year's abstract . . .		8,368	2 4
		11,660	10	11				11,640	10 11

(Errors Excepted).

JOS. WELLS,  
Bursar of King's College.

\* Memorandum referred to.

	£.	s.	d.
Former debt from Upper Canada Col- lege to King's College to 31st December 1837, as per last year's abstract . . .	32,559	4	2
To which add the balance of receipts and expenditure for the year ending 31st December, 1838, as per foregoing abstract . . . . .	1,385	4	4
Total amount of debt to December 31st, 1838 . . . . .	33,944	9	0

APPENDIX.

Referred to in the Abstract for 1838. Payments to Mr. J. Wedd for labour on the College grounds.

							£.	s.	d.								£.	s.	d.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
1838.	March	3	.	.	.	.	10	17	6																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				

ABSTRACT OF THE GENERAL ACCOUNT CURRENT OF THE TREASURER OF UPPER CANADA  
COLLEGE FOR THE YEAR 1836.

1836.	Dr.	£. s. d.	1836.	Cr.	£. s. d.
From Jan. 1 to Dec. 31.	To amount of two warrants received from the Receiver-General for the royal grant of £1,000 sterling, per annum . Jan. 5, for the half year to 1st Jan. . 555 11 4 July 6, for the half year to 1st July . 555 11 1	1,111 2 2	From Jan. 1 to Dec. 31.	By aggregate amount of the salaries to the masters, &c. paid quarterly. Rev. Dr. Harris, principal . . . 666 13 4 Rev. Charles Dade, mathematical master . . . 333 6 8 Rev. C. Matthews, 1st classical master . . . 333 6 8 Rev. Geo. Maynard, 2nd classical master . . . 333 6 8 Mr. F. W. Barron, 3rd classical master . . . 333 6 8 Mr. J. P. De la Haye, French master . 222 4 4 Mr. G. A. Barber, 1st writing master 222 4 4 Mr. James Duffy, 2nd writing master . . . 111 2 2 Mr. John Kent, master preparatory school . . 191 13 4 Mr. J. G. Howard, geometrical drawing master . . 111 2 2 Mr. Thomas Young, ornamental drawing master . . 111 2 2	
	Tosundry amounts received from Mr. G. A. Barber, collector of College dues for tuition, boarding, books, &c. April 5, Received . 150 0 0 ,, 7, ditto . . 125 0 0 ,, 28, ditto . . 150 0 0 Sept. 26, ditto . . 325 0 0 Dec. 28, ditto . . 250 0 0	1,000 0 0		£2,969 8 6	
	To aggregate amount of sums received on account of sales of land :— Jan. 2, From Hon. Lieut.-Col. Talbot, as agent . . . 199 1 4 July 19, From ditto. . 75 19 3			Samuel Alderdice, porter and messenger . . . 40 0 0	3,009 8 6
	From January 1 to Dec. 31. From sundry purchasers . . . 436 12 6 From ditto for interest . . . 57 15 8	769 8 9		Rev. Dr. Phillips, a temporary retired allowance as late vice principal . . . 111 2 2 By an amount paid the Rev. George Maynard, an arrearage of salary from 24th October, 1835, when he embarked from England, to 1st January, 1836 . . . 62 10 0 By sundry amounts paid to Mrs. Elizabeth Fenwick for boarding pupils at the College boarding-house, at £23 per annum. Feb. 12, on account of the 1st quarter . 60 0 0 March 24, balance of ditto . . . 89 10 0 June 4, in full of 2nd ditto . . . 161 0 0 August 9, on account of 3rd ditto . . 75 0 0 September 26, balance of ditto. . 97 10 0 December 15, on account of 4th ditto. 60 0 0 December 31, balance of ditto . . 116 7 6	
	To aggregate amount of sums received on account of sundry town lots sold by auction in 1829. On further account of purchase money . 35 17 0 On account of interest on the unpaid part of the purchase money . . . 73 8 11	109 5 11			659 7 6
	Amount carried forward .	2,989 16 10		Amount carried forward .	3,842 8 2



## ABSTRACT—continued.

1837.	<i>Dr.</i> Amount brought forward	£. s. d. 2,989 16 10	1837.	<i>Cr.</i> Amount brought forward .	£. s. d. 3,842 8 2
From Jan. 1 to Dec. 31.			From Jan. 1 to Dec. 31.	<p>By amounts paid for insurance on the different college buildings:—</p> <p>Jan. 11, Robert Stanton as agent for the Phoenix Company for £2,000 on the central building at 16s. 6d. £16. 10s. and policy 5s. No. 637,863 . 16 15 0</p> <p>Aug. 26, J. Ridout agent for the F. &amp; B. Company, £1,000 on the boarding house No. 38,669 . . . 6 15 0</p> <p>Dec. 3, ditto, £5,000 on masters' houses at 16s. 6d. Policy No. 48,603 . . . 41 5 0</p> <hr/> <p>By three amounts paid for sundry repairs to some of the buildings.</p> <p>Jan. 8, Rev. Charles Matthews on award by the Council in part of sundry outlays upon the house formerly occupied by the vice principal . . 15 0 0</p> <p>Jan. 8, Rev. Dr. Harris to pay sundry accounts for the repairs of the house prepared for the new classical master . . . 3 18 10</p> <p>March 11, John Ritchie two accounts for carpenter's work.</p> <p>College building . . 33 18 3</p> <p>Boarding-house . . 5 7 6</p> <hr/> <p>39 5 9</p> <hr/> <p>By three amounts paid for books, &amp;c. for the pupils of the College.</p> <p>July 8, Bank of Upper Canada for a draft on England for £294. 10s. sterling, to remit to Longman &amp; Company of London . 359 18 11</p> <p>Sept. 1, E. Lesslie &amp; Sons, an old account . . . 32 1 0</p> <p>Oct. 5, Robert Stanton, part of an account for books, stationary, &amp;c., the remainder charged to King's College. 10 0 0</p> <hr/> <p>401 19 11</p> <p>By sundry amounts paid for advertising.</p> <p>Editor of the London Patriot . . . 0 17 0</p> <hr/> <p>Amount carried forward . . . 0 17 0</p>	<p>64 15 0</p> <p>58 4 7</p> <p>401 19 11</p> <p>4,367 7 8</p>
	Amount carried forward .	2,989 16 10			

ABSTRACT—continued.					
Dr.			Cr.		
£. s. d.			£. s. d.		
1836.	Brought forward . . .	£2,989 16 10	1836.	Brought forward, £0 17 0	4,367 7 8
From	To balance to be added to the			Ditto Niagara Herald. 0 10 0	
Jan. 1	former debt to King's College,		From	Ditto U. C. Herald . 3 7 0	
to	to 31st Dec., 1835, as per last		Jan. 1	Ditto Montreal Herald. 3 5 4	
Dec. 31.	year's abstract. . . . .	1,408 14 5	to		7 19 4
	Vide subjoined Memorandum,		Dec. 31.		
				By an amount paid to T. D. Har-	
				rington, part of an account for	
				services on preparing sundry	
				voluminous returns called for	
				by the House of Assembly .	10 6 0
				By an amount paid Joseph Mar-	
				tin for whitewashing and re-	
				pairing the plastering of the	
				district school . . . . .	6 5 0
				By amount of sundry postages .	1 2 0
				By amount paid for assessment	
				on the boarding-house and	
				porter's lodge . . . . .	5 11 3
		4,398 11 3			4,398 11 3
Memorandum.			Errors excepted.		
£. s. d.			JOSEPH WELLS,		
Former debt from Upper Canada College			BURSAR.		
to 31st December, 1835, as per last					
year's abstract . . . . .					
29,215 10 6					
To which add the balance of receipts and					
expenditures for the year ending 31st De-					
cember, 1836, as per last year's abstract.					
1,408 14 5					
Total amount of debt to Dec. 31, 1836, £30,624 4 11					



ABSTRACT OF THE GENERAL ACCOUNT CURRENT OF THE TREASURER OF UPPER  
CANADA COLLEGE FOR THE YEAR 1837.

Dr.			£. s. d.	Cr.			£. s. d.
1837.	To amount of two warrants received from the Receiver-General for the royal grant of £1,000 sterling per annum.			1837.	By aggregate amount of the salaries to the masters, &c. paid quarterly:		
From Jan. 1 to Dec. 31.	Jan. 7, for the half year to Jan. 1	£555 11 1		From Jan. 1 to Dec. 31.	Rev. Dr. Harris, principal	666 13 4	
	July 15, for the half year to July 1	555 11 1	1,111 2 2		Rev. Charles Dade, mathematical master	333 6 8	
	To sundry amounts received from Mr. G. A. Barber, Collector of college dues, for tuition, board, books, &c.				Rev. C. Matthews, 1st classical master	333 6 8	
	June 30, received	£400 0 0			Rev. Geo. Maynard, 2nd classical master	333 6 8	
	Sept. 14, ditto	250 0 0			Mr. F. W. Barron, 3rd classical master	333 6 8	
	Oct. 3, ditto	125 0 0	775 0 0		Mr. John P. De la Haye, French master	222 4 4	
	To aggregate amount of sums received on account of sales of land:				Mr. G. A. Barber, 1st writing master	222 4 4	
	Jan. 24, from Hon. Lt.-Col. Talbot, as agent, &c.	£644 0 9			Mr. James Duffy, 2nd writing master	111 2 2	
	May 21, from ditto, the balance of a payment in full	6 12 3	650 13 0		Mr. John Kent, master preparatory school	191 13 4	
	Dec. 31, from sundry purchasers	382 3 9			Mr. J. G. Howard, geometrical drawing master	111 2 2	
	From ditto for interest	77 2 3	1,109 19 0		Mr. Thomas Young, ornamental drawing master,		
	To aggregate amount of sums received on account of sundry town lots sold by auction in 1829:				Half-year to 30th June	£55 11 1	
	On further amount of purchase money	£25 0 0			Ditto 31st Dec.	27 15 6	83 6 7
	On account of interest on the unpaid part of the purchase money	99 1 11	124 1 11			2,941 12 11	
	To aggregate amount of a quarterly stoppage from the salary of Mr. John P. De la Haye, French master, in part payment of his debt for college dues, from his boarders:				Samuel Alderdice, porter and messenger	40 0 0	2,981 12 11
	In part payment of the debt	40 0 0			Rev. Dr. Phillips, a temporary retired allowance as late vice principal		111 2 2
	Interest on ditto	29 2 0	69 2 0		By sundry amounts paid to Mrs. Elizabeth Fenwick, for boarding pupils at the college boarding-house at £23 per annum:		
					March 8, on account of 1st quarter	65 0 0	
					March 28, balance of ditto	144 17 6	
					May 17, on account of 2nd quarter	60 0 0	
					June 26, balance of ditto	135 10 0	
					July 25, on account of 3rd quarter	110 0 0	
					Sept. 16, on further account of ditto	50 0 0	
					Sept. 30, balance of ditto	78 0 0	
					Nov. 3, on account of 4th quarter	100 0 0	
	Amount carried forward, £	3,189 5 1			Carried forward, £	743 7 6	3092 15 1

ABSTRACT—continued.

<i>Dr.</i>			£.	s.	d.	<i>Cr.</i>		
1837.	Amount brought forward		3,189	5	1	1837.	Brought forward, £743 7 6	3,092 15 1
From						Dec. 31, balance of		
Jan. 1						ditto . . . .	216 5 0	959 12 6
to								
Dec. 31.						Dec. 31.	By three amounts paid for insurance on the different college buildings :	
						Jan. 10, Robert Stanton, as agent for the Phoenix Company, for £2,000 on the central building, at 16s. 6d. Policy No. 637,863 . . . .	16 10 0	
						Aug. 26, John Ridout, agent for the F. and B. Company, in a new policy for the boarding-house for £1,500, at 13s. 6d. and policy 5s. No. 60,203 . . . .	10 7 6	
						Dec. 3, ditto for £5,000 on the masters' houses, &c., at 16s. 6d. Policy No. 48,602 . . . .	41 5 0	68 2 6
						By sundry amounts paid for a large addition made to the boarding-house, and for sundry repairs to it and the other college buildings :		
						Feb. 6, John Ritchie for repairs . . . .	72 0 3	
						Jan. 3, John Ritchie, on account of his contract for the additional building .	250 0 0	
						John Craig, on account of painting the outside of the college buildings and pallsading . . . .	50 0 0	
						Jan. 17, John Craig, balance of his account for ditto . . . .	17 18 0	
						Sept. 23, John Ritchie on further account of sundry contracts for building the addition to the boarding-house and forming a new drain through the college play-ground . . . .	300 0 0	
						Oct. 7, John Craig, on account of painting the addition to the boarding-house .	100 0 0	
						Oct. 14, John Craig, balance of account for painting the interior of the college buildings . . . .	37 0 0	
						Oct. 21, Andrew Brown, for 20 loads of gravel to one of the buildings . . . .	15 0 0	828 3 3
Amount carried forward, £			3,189	5	1	Amount carried forward, £		









ABSTRACT—continued.

Dr.			Cr.		
1838.	Amount brought forward .	£. s. d. 2,805 5 6	1838.	Amount brought forward .	£. s. d. 2,828 17 5
From Jan. 1 to Dec. 31.			From Jan. 1 to Dec. 31.	By an amount paid Rev. G. Maynard, for half a quarter's salary, awarded him by the council, upon his petition, for the period between the day of his receiving his appointment as classical master and that of his embarkation from England . . . . .	41 13 4
				By sundry amounts paid to Mrs. E. Fenwick and Mr. C. N. B. Cousins, for boarding pupils at the College boarding-house, at £23 per annum :—	
				Feb. 21, Mrs. Fenwick, on account of first quarter . . . . .	£75 0 0
				March 24, ditto, on further account of ditto . . . . .	100 0 0
				March 31, ditto, balance of ditto . . . . .	51 2 6
				May 7, ditto, on account of second quarter . . . . .	100 0 0
				June 9, ditto, balance of ditto . . . . .	130 0 0
				Aug. 15, ditto, in full of third quarter . . . . .	207 0 0
				Dec. 31, Mr. Cousins, in full of fourth quarter . . . . .	184 0 0
					847 2 6
				By three amounts paid for insurance on the different college buildings :—	
				Jan. 13, Robert Stanton, as agent for the Phoenix Company, for £2,000 on the central building, at 16s. 6d. Policy No. 637,863. . . . .	£16 10 0
				Aug. 25, John Ridout, agent for the F. and B. Alliance Company, for £1,500 on the boarding-house, at 13s. 6d. Policy No. 60,203 . . . . .	10 2 6
				Dec. 3, ditto, for £5,000 on the masters' houses, at 16s. 6d. Policy No. 48,602 . . . . .	41 5 0
					67 17 6
				By sundry amounts further paid for the large addition made to the boarding-house, and for sundry repairs to the other college buildings :—	
				Feb. 22, John Esmond, in full of two accounts for fitting up stoves and other jobs College £15. 6s. 2d., boarding-house £2. 1s. 9d. . . . .	£17 7 11
				J. Wiggins, in full of two accounts—College £4. 5s., for smith work at boarding-house £4. 1s. 3d. . . . .	8 6 3
	Amount carried forward .	2,805 5 6		Carried forward .	25 14 2
					3,785 10 9

ABSTRACT—continued.

1836.	<i>Dr.</i> Amount brought forward	£. s. d. 2,805 5 6	1837.	<i>Cr.</i> Brought forward £25 14 2	£. s. d. 3,785 10 9
From Jan. 1 to Dec. 31.			From Jan. 1 to Dec. 31.	March 9, J. Ritchie balance in full of his contract for building additions to board- ing-house, and sun- dry extras . . . 44 11 9	
				March 9, J. Ritchie for sundry repairs to the various build- ings of the college, and also in full of his contract for the new drain through the play-grounds .110 16 3	
				April 23, Alexander Hamilton for paint- ing in the Princi- pal's house . . . 3 15 4	
				May 7, John Craig in full of two ac- counts for painting college . 3 8 4	
				Boarding- house . 8 0 8	
				11 9 0	
				Sept. 27, Samuel Wig- gins for various whitesmith's jobs at the boarding- house . . . . . 3 7 9	
				Oct. 8, John Craig, on account of glaz- ing and painting at the boarding-house 25 0 0	
				Nov. 1, John Craig, balance of two ac- counts for painting at the boarding- house, &c. &c. . 32 0 10	
					256 15 1
				By sundry amounts paid for arti- cles of furniture for the board- ing-house.	
				March 3, Bryce and McMurrich for sundry materials for curtains . . . 3 5 6	
				April 4, Murray and Newbigging, sun- dries . . . . . 12 2 5	
				Aug. 2, Robson and Co. for a table . . 1 5 0	
					16 12 11
				By an amount paid the Rev. Dr. Harris as authorised by the council for 77 volumes of valu- able classical works . . . .	59 9 6
				By an amount paid Henry Row- sell the balance of an account for books, stationery, &c., for the pupils . . . . .	18 15 1
				By amount paid John Ritchie for sundry repairs at the district school-house . . . . .	20 8 8
				By amount paid John Watkins for a year's assessments : On the boarding- house . . . . . 6 15 0	
	Amount carried forward . £	2,805 5 6		Carried forward, £	4,157 12 0



ABSTRACT—continued.

1838.	Dr.	£	s.	d.	1838.	Cr.	£	s.	d.
	Amount brought forward . .	2,805	5	6		Brought forward	£6 15 0	4,157	12 0
From Jan. 1 to Dec. 31.	To balance to be added to the former debt of King's College to 31st December, 1837, as per last year's abstract. Vide sub-joined Memorandum*. . .	1,385	4	4	From Jan. 1 to Dec. 31.	On the vacant house of the Principal . .	5 12 6	13	1 0
						On the porter's lodge .	0 13 6		
						By a proportion of the annual salary to Mr. J. Wedd, as overseer of the grounds of both colleges, as directed by the college council . . . .			
						By ditto for the years 1836 and 1837, which were omitted to be charged in the abstracts for those years . . . . .			
						By amount of postage for the year . . . . .		1	1 10
		£	4,190	9 10			£	4,190	9 10

\*Memorandum.

Former debt from Upper Canada College to King's College to 31st Dec. 1837, as per last year's abstrac . . . . .	£32,559	4	8
To which add the balance of receipts and expenditures for the year ending 31st December, 1838 . . . . .	1,385	4	4
Total amount of debt to Dec. 31st, 1838	£33,944	9	0

Errors excepted.

JOS. WELLS

BURSAR.

KING'S COLLEGE.

RETURN of GOVERNMENT DEBENTURERS, BANK STOCK, and Amount of NOTES of HAND of private Individuals bearing interest.

January 1st, 1839.

	£.	s.	d.	£-	s.	d.
3 Debentures of £1,000 each, No. 7 to 9 . . . . .	3,000	0	0			
1 Debentures of 600 each, No. 17 . . . . .	600	0	0			
4 Debentures of 500 each, No 386 to 389 . . . . .	2,000	0	0			
22 Debentures of 200 each, 7 No. 10 to 17—7 No. 390 to 396—8 No. 406 to 413 . . . . .	4,400	0	0			
20 Shares of Bank Stock . . . . .				10,000	0	0
Amount of Notes of hand of private individuals bearing interest* . . . . .				250	0	0
				4,987	10	0
				£	15,237	10 0

\* One of these notes of hand for £187. 10s. has since been paid.

N. B. Upper Canada College has no monies invested, being considerably indebted to King's College as detailed in the accompanying abstracts.

JOSEPH WELLS,

BURSAR.

KING'S COLLEGE OFFICE

April 18th, 1839.

SIR,

I have now the honour to transmit the remaining return respecting the sale of lands belonging to King's College, and Upper Canada College, (as referred to in my Letter of the 16th instant,) which by directions of His Excellency the Lieutenant-Governor, I was required to furnish in compliance with the address of the House of Assembly.

I have the honour to be,  
Sir,  
Your most obedient  
Humble Servant,  
JOSEPH WELLS,  
Registrar and Bursar of King's College.

The Honourable JOHN MACAULEY,  
Civil Secretary,  
&c. &c. &c.

AGGREGATE STATEMENT

Of all the number of acres of the Lands of the University of King's College, and of Upper Canada College, which have been sold to the 1st of January, 1839, showing the average price per acre, and the gross amount actually received on such sales, as required in the address of the House of Assembly.

	Total Number of Acres sold.	Aggregate Amount of such Sales.	Gross Amount actually received on such Sales.	Average Price per Acre.
King's College.	93,737 $\frac{3}{4}$	£ 100,809 18 6	53,224 14 7	21s. 6d. and a fraction.
Upper Canada College .	17,388	13,101 10 0	6,693 14 3	15s. $\frac{3}{4}$ and a fraction.
Ditto ditto . .	Town Lots in Toronto.	5,223 10 0	917 9 5	
		£ 18,325 0 0	7,611 3 8	

Errors Excepted

JOSEPH WELLS,  
BURNAR of King's College.

No. 6.

Sir Geo. Arthur  
to the Marquis of  
Normanby.

June 9, 1839.

Encl. 2, in No. 6.

Enclosure 2, in No. 6.

Proceedings had in the Legislature of Upper Canada, during the years 1831-2, and 3, on the subject of the Lands set apart by His late Most Gracious Majesty, King George the Third, for the purpose of Schools ; together with sundry Despatches and Documents relating to the same subject.—Printed by order of the House of Assembly.

House of Assembly, Thursday, January 20, 1831.

Mr. Morris gives notice that he will move, to-morrow, for an Address to his Excellency the Lieutenant-Governor, requesting his Excellency to lay before this House copies of all documents, which have been received from His Majesty's Government authorizing the survey, reservation, and sale, of certain townships of land, called School Townships.

Friday, January 21, 1831.

Agreeably to notice, Mr. Morris, seconded by Mr. A. Fraser, moves that an Address be presented to his Excellency the Lieutenant-Governor, praying that his Excellency may be pleased to lay before this House copies of such documents as may at any time have been received from His Majesty's Government authorizing the survey, reservation, sale and appropriation of certain townships called School Townships.

Ordered.

Mr. Morris, seconded by Mr. A. Fraser, moves that Messrs. M'Martin and Clark be a committee to draft and report the said Address.

Ordered.

Mr. M'Martin, from the committee appointed to draft an Address to his Excellency the Lieutenant-Governor for documents relative to School Reserve Townships, reported a draft, which was received and read twice, adopted, and ordered to be engrossed and read a third time this day.

Agreeably to the order of the day, the Address to his Excellency for information relative to lands reserved for school purposes, was read the third time, passed and signed, and is as follows :—



To his Excellency Sir John Colborne, Knight, Commander of the Most Honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most respectfully request that your Excellency may be pleased to communicate to this House copies of all such documents as your Excellency may be possessed of, which authorize the survey, reservation, sale or appropriation of certain lands in this province, called School Townships.

Commons House of Assembly,

21st day of January, 1831.

ARCHD. M'LEAN, Speaker.

Encl. 2, in No. 6.

Mr. A. Fraser, seconded by Mr. Clark, moves that Messrs. Morris and M<sup>c</sup>Martin be a Committee to wait on his Excellency the Lieutenant Governor, to know when he will be pleased to receive the Address of this House on the subject of School Townships; and to present the same.

Ordered.

Monday, 24th January, 1831.

Mr. Morris from the committee to wait on his Excellency the Lieutenant Governor with the Address of this House relative to school townships, reported delivering the same, and that his Excellency had been pleased to make the following answer:—

Gentlemen,

The documents required in this Address shall be laid before the House of Assembly.

Wednesday, February 2d, 1831.

J. Colborne.

The Lieutenant-Governor transmits to the House of Assembly copies of authorities for reserving the school townships, and also such documents as will afford information to the House respecting the measures which have been proposed to secure endowments for the district and for township schools.

Government House, 2d February, 1831.

Extract of a Despatch from the Duke of Portland to Mr. President Russell, dated Whitehall, 4th November, 1797.

"His Majesty has taken into his royal consideration the petition of the Legislative Council and House of Assembly, humbly imploring 'His Majesty that he would be graciously pleased to direct his government in this province to appropriate a certain portion of the waste lands of the Crown as a fund for the establishment and support of a respectable grammar school in each district thereof, and also of a college or university for the instruction of youth in the different branches of liberal knowledge,' and being always ready to show his parental regard for the welfare of his subjects in the furtherance of so important an object as the instruction of youth, and to assist and encourage the exertions of his province in laying the foundation for promoting sound learning and a religious education, he has condescended to express his most gracious intention to comply with the wishes of the Legislature of his province of Upper Canada in such manner as shall be judged to be most effectual.

First, by the establishment of free grammar schools in those districts in which they are called for, and in due process of time by establishing other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences. With this view I am to direct you to consult the members of His Majesty's Executive Council, and the judges and law officers of the Crown in Upper Canada, and report to me, in what manner and to what extent a portion of the Crown lands may be appropriated, and rendered productive towards the formation of a fund for the above purposes, out of which His Majesty may, according to his pleasure, allot such salaries as he shall judge proper for the schoolmasters of such free schools, who are to be appointed by His Majesty's Governor, or the person administering His Majesty's Government within the province for the time being, subject to His Majesty's approbation, signified through one of his principal secretaries of state.

(Copy.)

SIR,

Government House, May 30th, 1823.

Earl Bathurst having, in a late despatch to the Lieutenant-Governor, signified the sanction of His Majesty's Government to a plan proposed by his Excellency of forming a general board of education in this province, as will be shown by the enclosed papers, Nos. 1 and 2, I have been commanded by his Excellency to request that this subject may engage the early attention of the Executive Council.

A board of fit persons to carry into effect the proposed plan will be immediately nominated by the Lieutenant-Governor, and it occurs to his Excellency that the object which in the first place requires the consideration of the committee, is the appropriation of some

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.  
Encl. 2, in No. 6.

portion of the lands set aside for the endowment of an university, in such manner as shall most readily and securely create a fund to enable the general board of education to enter on its duties, either by conveying such portion of lands in trust to the board (subject in all its proceedings to the sanction of the Executive Government) or by such other mode as may to the committee appear more expedient.

I have the honour to be, &c., &c.,

The Hon. the Presiding Councillor.

G. HILLIER.

Extract from a Despatch addressed to Sir P. Maitland by the Earl Bathurst.

"I am happy to have it in my power to convey to you His Majesty's consent, that you appropriate a portion of the reserves set aside for the establishment of an university, for the support of schools on the national plan of education."

(Copy.)

SIR,

York, 7th December, 1828.

I have the honour to transmit for the information of his Excellency the Lieutenant-Governor the following statement relative to the lands set apart for the purposes of education.

In 1798, twelve townships were selected, containing about 740,000 acres, which, after deducting the Crown and Clergy reserves, left, according to the Report of the Surveyor-General, about 549,217 acres. Of this quantity there has been transferred to Government, in lieu of the Crown reserves with which King's College is endowed, 225,273 acres.

For the purpose of carrying into effect a plan submitted to Earl Bathurst by his Excellency Sir Peregrine Maitland, about 190,517 acres have been more especially placed under the care of the General Board, leaving out of the original appropriation for schools or for the university about 134,000 acres.

I have the honour to be, &c.,  
(Signed) GEORGE H. MARKLAND.

Mr. Secretary Mudge.

(Copy.)

York, 11th March, 1829.

A General Return of the Quantity of Land reserved for Education in this Province.

In 1798, twelve townships, containing about 740,000 acres, were appropriated for education, which, after deducting the Crown and Clergy reserves, left, according to the Report of the Surveyor-General, about 549,217 acres.

In 1823, Lord Bathurst having signified by despatch to Sir Peregrine Maitland the sanction of His Majesty's Government to a plan proposed by his Excellency of forming a General Board of Education, a reference was made to the Executive Council to set apart a portion of the land reserved for the endowment of schools. The council, in consequence, recommended that the townships of Yarmouth, Westminster, Southwold, Middleton, Houghton, and Blandford, together with Seymour and Sheffield, containing about 194,828 acres, be applied to carry into effect the intentions of His Majesty's Government.

Besides this quantity, 225,273 acres have been transferred to the Crown, in lieu of leased reserves with which King's College is endowed, and there remain, therefore, about 133,427 acres not specially appropriated.

The townships originally set aside, were Alfred and Plantagenet, in the Ottawa district; Bedford, Hinchinbroke, and Sheffield, in the Midland district; and Blandford, Houghton, Middleton, Southwold, Westminster, and Yarmouth, in the London district. Alfred and Plantagenet being found not to contain vacant land, Luther and Proton were substituted.

#### Memorandum of the Lieutenant-Governor to the Executive Council.

From the documents which the Lieutenant-Governor has examined, he finds that in 1819, the Executive Council, after reading the Duke of Portland's Despatch of 1797, in answer to an address from the two Houses of the provincial Legislature, soliciting an appropriation of Crown lands for the support of an university and schools, stated that the appropriation of the quantity of land referred to by the Committee appointed to take into consideration the Duke of Portland's despatch, was not sufficiently sanctioned to authorize grants in other portions than those limited by His Majesty's Commission, and recommended that an authority should be obtained to sell and lease, grant and dispose of 500,000 acres, for the purpose of establishing an university in this province.

That in 1822, Sir Peregrine Maitland submitted to His Majesty's Government a plan for organizing a general system of education, and suggested the expediency of applying the proceeds of the sale of part of the lands, under the title of School Reserves, to carry it into effect,—and of reserving the remainder for the future endowment of an university, should such an establishment not be considered advisable at present; and proposed also, that an introductory school on the national plan, in each town of a certain size, should be established, and that the number of schools should be increased as the circumstances of the province might require.



That Lord Bathurst, in his despatch of the 12th October, 1823, in reply to those proposals, having approved of a portion of those reserves, set aside for the establishment of an university, being appropriated for the use of schools on a national plan of education, Sir P. Maitland requested the attention of the Executive Council to this subject, in order that a portion of the school reserves might be disposed of to form a fund to enable the General Board of Education to enter on its duties.

That a committee of the Executive Council, on examining extracts from Lord Bathurst's despatch of the 12th October, 1823, recommended eight townships to be applied to carry into effect the intentions of His Majesty's Government.

The Lieutenant-Governor is of opinion that central township schools should be formed and endowed; that each endowment should be secured under the great seal; that no masters should be appointed to these schools unless qualified to teach the elements of the Latin language and of mathematics; and that the district schools should also be endowed with land.

Government House, May, 1830.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1833.  
Encl. 2, in No. 6.

Mr Morris, seconded by Mr. Solicitor-General, moves, that the documents sent to this House by his Excellency the Lieutenant-Governor, on the subject of the school lands of this province, be referred to a Select Committee, composed of Messrs. Burwell and Berczy, with power to send for persons and papers, and to report thereon by bill or otherwise.

In amendment, Mr. Perry, seconded by Mr. Bidwell, moves that the names of Messrs. Buell and Campbell be inserted after the name of Berczy.

Which was carried.

The original question, as amended, was then put and carried.

Mr. Morris, seconded by Mr. Burwell, moves that 200 copies of the documents sent to this House by his Excellency the Lieutenant-Governor, relative to the school lands of this province, be printed for the use of members.

Ordered.

Thursday, 3d February, 1831.

Mr. Morris, chairman of the Select Committee on School Lands, seconded by Mr. A. Fraser, moves that an Address be presented to his Excellency the Lieutenant-Governor, requesting his Excellency to lay before this House copies of the following documents referred to in the paper sent to this House by his Excellency on the second instant respecting school lands, viz. :—

The joint Address to His Majesty, of the Legislative Council and House of Assembly, referred to in the despatch of the Duke of Portland;

The Report of the Executive Council, and the opinion of the judges and law officers of the Crown in Upper Canada, on the same subject;

Papers, Nos. 1 and 2, referred to in the letter of Mr. Secretary Hillier, dated Government House, May 13, 1823;

So much of the despatch to Sir Peregrine Maitland by the Earl Bathurst as relates to the school lands, together with all such documents and proceedings as relate to their appropriation, transfer or sale, and also an account of the number of acres of these lands sold in each district, the average price per acre, the amount of money received by their sale, and an account in detail of its application, and the expense of collection;

And that Messrs. Burwell and Berczy be a committee to draft and report the same.

Ordered.

Mr. Burwell, from the Committee to draft an Address to his Excellency the Lieutenant-Governor, for certain documents and information relative to school lands, reported a draft, which was received and read twice, adopted, and ordered to be engrossed and read a third time this day; and is as follows :—

To his Excellency Sir John Colborne, Knight Commander of the Most Honourable Military Order of the Bath, Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding His Majesty's forces therein, &c., &c., &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, humbly request your Excellency to lay before this House copies of the following documents referred to in the paper sent to this House by your Excellency on the second instant respecting school lands, viz. :—

The Joint Address to His Majesty, of the Legislative Council and House of Assembly, referred to in the despatch of the Duke of Portland;

The Report of the Executive Council, and the opinion of the judges and law officers of the Crown in Upper Canada; on the same subject;

Papers, Nos. 1 and 2, referred to in the letter of Mr. Secretary Hillier, dated Government House, May 13, 1823.

So much of the despatch to Sir Peregrine Maitland by the Earl Bathurst as relates to the school lands, together with all such documents and proceedings as relate to their appropriation, transfer or sale; and also an account of the number of

No. 6.  
 Sir Geo. Arthur  
 to the Marquis of  
 Normandy.  
 [June 8, 1839.  
 Encl. 2, in No. 6.

acres of these lands sold in each district, the average price per acre, the amount of money received by their sale, and an account in detail of its application, and the expense of collection.

ARCHD. McLEAN, Speaker.

Commons House of Assembly, 3d February, 1831.

Friday, 4th February, 1831.

Mr. Ingersoll, from the Committee to wait upon his Excellency with the Address of this House for certain documents relative to school townships and lands, set apart for the purposes of education, &c., reported delivering the same, and that his Excellency had been pleased to make thereto the following answer :—

GENTLEMEN,

I will direct the information for which you apply in this Address to be laid before the House of Assembly.

Monday, 7th February, 1831.

Mr. Secretary Mudge brought down from his Excellency the Lieutenant-Governor a message, which the Speaker read as follows :—

J. COLBORNE.

The Lieutenant-Governor, in compliance with an address respecting the school townships, transmits the accompanying documents, and acquaints the House of Assembly, that the joint address referred to cannot be found; but that this document appears unnecessary to establish under whose charge the reserves were placed, as the substance of the address is quoted in the Duke of Portland's despatch, and the intention of His Majesty communicated to authorize the Governor in council to set apart a portion of the Crown lands towards the formation of a school fund, "out of which His Majesty may allot such salaries as he shall judge proper." The reports of the Executive Council on this subject are annexed, on the framing of which, it will be perceived, the judges and law officers of the Crown were consulted.

The document No. 1, referred to in the letter of the 13th of May, 1823, is an extract of Sir Peregrine Maitland's despatch respecting school lands and the organization of schools; and the document No. 2, referred to, has been laid before the House. It is an extract from Lord Bathurst's despatch, in answer to the suggestions of Sir Peregrine Maitland.

The account of the Board of Education to the end of the year 1829, including the expense of collection of proceeds of sale of school lands, and their application, has been laid before the House of Assembly at the last session. The detailed account of the number of acres sold in each township, and the account of the board to the end of 1830, shall be forwarded to the House.

The Lieutenant-Governor acquaints the House that the arrangements for the endowment of the Upper Canada College are not yet completed, and that he has suggested the expediency of dividing and exchanging part of the land of the school townships, for the purpose of raising the value of the school lots, and transferring an equal number of acres in other townships to the Board of Education.

The report of the Executive Council on this subject is annexed.

Government House, 7th February, 1831.

(Copy.)

SIR,

Council Chamber, 6th November, 1798.

Having received directions from the Duke of Portland, one of His Majesty's principal Secretaries of State, to consult the members of His Majesty's Executive Council, and the judges and law officers of the Crown in Upper Canada, and report to his Grace in what manner, and to what extent, a portion of the waste lands of the Crown may be appropriated and rendered productive towards the formation of a fund for the establishment of free grammar schools in those districts in which they are called for, and in due process of time by establishing seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences; out of which His Majesty may, according to his pleasure, allot such salaries as he shall judge proper for the schoolmasters of such free schools, who are to be appointed by His Majesty's Governor, or the person administering His Majesty's Government, subject to His Majesty's approbation.

I am to request you will be pleased to meet the Chief Justice and the members of His Majesty's Executive Council, at the council chamber, on Friday the 9th instant, for the purpose of taking the above subject into your consideration, and reporting to me your opinions thereon, that I may transmit them to the Duke of Portland for His Majesty's information.

I have the honour to be, Sir,

Your most obedient humble servant,

(Signed) PETER RUSSELL.

(Copy.)

The Chief Justice, by direction of the Board, wrote the following letter to his Honour the President :—



SIR,

November 10th, 1798.

The committee on his Grace the Duke of Portland's letter, on the subject of schools, direct me to inquire of your Honour, whether it is your pleasure that we should each of us report his opinion, separately, or whether the chairman is to report to you a plan agreed upon by us all.

Your most obedient, humble servant,

(Signed)

J. ELMSLEY, C. J.

To his Honour the President,  
&c. &c. &c.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

Encl. 2, in No. 6.

SIR,

York, 12th November, 1798.

I have had the honour to receive your letter of Saturday, desiring to know whether the members of the committee on his Grace the Duke of Portland's letter on the subject of schools, are to report their opinion separately, or whether the chairman is to report the plan agreed upon by them all. In answer to which, I can only have the honour to say that, in my opinion, a report from the chairman of the plan unanimously agreed upon would be less troublesome, both to the committee and his Grace,—and would probably throw equal if not more light upon the subject, than the opinions of the members stated separately; I shall therefore only request a general report, signed by the chairman: however, I do not mean by this to preclude any of the gentlemen from favouring me with their own sentiments, in addition to the general advice, as I believe it is the desire of His Majesty's Ministers to obtain all the information possible on a subject of such importance to the future welfare of this province.

I have, &c.,

(Signed)

PETER RUSSELL.

To the Honourable John Elmsley, C. J.

(Copy.)

Council Chamber at York, 1st December, 1798

Read the report of the Board, formed of the members of His Majesty's Executive Council and the judges and law officers of the Crown in Upper Canada, who were directed to take into their consideration the letter from his Grace the Duke of Portland, on the establishment of grammar-schools and other places of education in this province; and the same having received the approbation of the President in Council, it was ordered, "That the report be fairly copied, that it may be transmitted without delay to his Grace the Duke of Portland for the information of His Majesty.

The Report is as follows:—

SIR,

Council Chamber, 1st December, 1798.

I have the honour to inform you, that in obedience to your order of the 6th ultimo the members of His Majesty's Executive Council, the judges and law officers of the Crown, met together in this place on the 19th ultimo, and on several occasions since, and took into their consideration the letter of his Grace the Duke of Portland on the establishment of grammar schools and other places of education in the province. It is not to be expected that on a subject of such extent, the opinions of so many persons as were assembled to consider of it, should exactly coincide; I have, however, the satisfaction to say, that in our general views of the system to be adopted, we are nearly agreed, and that the difference with respect to the mode in which it is to be carried into effect, is not very considerable.

As it was your Honour's pleasure that the chairman should collect the opinions of the several members of the Board and digest them into one report, I took the liberty of distributing the subject into the five following heads, and of requesting their thoughts on each, viz. :—

1. The sum to be raised. 2. The number of acres to be appropriated. 3. The purposes to which the fund is to be applied. 4. The number of schools and the places where they are to be erected. 5. The number now necessary.

It is now my duty to state to your Honour, the general result of the whole; and should I either misrepresent the sentiments of the Board, or fail to give the effect they deserve, I trust that your Honour will impute the blame to me only, and do justice to the several members by referring to the opinions of each, which I have subjoined by way of schedule.

When the subject was first opened, it seemed to be the unanimous opinion, that the intention of the royal founder of the free grammar schools and university of Upper Canada, could not be effectuated, but by a liberal provision for their establishment and maintenance; and each member of the Board seemed deeply impressed with a conviction, that in making his estimate of the extent of that provision, it would be much safer to allow too much than too little; for as the application of the funds will always be directed by the beneficent wisdom which has created it, the excess may at any time be applied to other purposes, equally worthy of the original intention, and equally conducive to the happiness of the province; but it will be difficult, and perhaps impossible, if the present moment be neglected, to find at a future period the means of effecting the object before us, without much expense and a delay almost subversive of the purpose.

Under this impression, the Board proceeded to consider in detail the purposes to which the

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proposed fund should, when raised, be applied, and seemed to be unanimous in thinking that they may be reduced to three :—

1. The erection of the necessary buildings.
2. The payment of the salaries of the masters.
3. The keeping of the buildings in repair, the purchase of books and philosophical apparatus, and other purposes essential to places of education, but in general too costly to be provided by individuals.

1. With respect to the sum to be expended on the erection of the necessary buildings, the Board conceived, that taking the average price of labour in the four districts of the province, the sum of 3,000*l.*, provincial currency, will be sufficient to erect a plain but solid and substantial building, containing a school-room sufficient to hold 100 boys, without danger to their health from too many being crowded together; and also a set of apartments for the master, large enough not only for the accommodation of his family, but also for the very desirable purpose of enabling him to take a few of his pupils as boarders. Some few outbuildings may also be necessary, for the use of the master, which, if they will not come within this estimate, will not much exceed it, and may easily be provided for hereafter.

2. As the extent of the salaries of the masters is expressly reserved for the Royal consideration, we do not presume to mention any particular sum as sufficient for that purpose; but as it is necessary for us in making our estimate, to calculate upon some given sum, and as his Excellency the Lieutenant-Governor thought the sum of 100*l.*, provincial currency, a sufficient allowance for the master of the school erected under his auspices at Kingston, we beg leave to take that sum as the average for the salary of the masters of each school, and half of it for the salary of an under master, in case it should be thought expedient to have one.

3. The sum of 30*l.* per annum seems to be a sufficient sum for keeping the building in repair; the provision for the purchase of books, philosophical apparatus, &c. relates to the endowment of the university rather than to that of the grammar school, and is only mentioned that it may not appear to have been forgotten in our calculation.

It appeared, therefore, to be the general opinion of the Board, that a sum not exceeding 3,000*l.*, provincial currency, and an annual income of 180*l.*, will be amply sufficient for the establishment and support of a free grammar school in each district. The next object was, to consider the mode by which that sum and that income are to be raised.

With respect to the former, the board had but one opinion, viz., that it can only be raised by the sale of part of the waste lands of the Crown. If the institutions in question are to be deferred until they can be provided for from the annual income of any quantity of land that can be appropriated for them, they will be deferred either until they have been superseded by other institutions, or until four or five generations of ignorance and vice have rendered them useless.

The annual income must equally be derived from the waste lands of the Crown, and may, in the apprehension of the board, be raised by one or other of the four following modes :—

- 1st. By the sale of so much of those lands as will raise a sum which, if invested in the British funds, will produce the sum of 180*l.* as interest.
- 2d. By reserving such a portion of those lands as, when leased, will produce that sum as rents.
- 3d. By appropriating to the same purpose such parts of the present Crown reserves as are capable of yielding a present rent; or,
- 4th. By selling a portion of the waste lands of the Crown (always distinguishing between waste lands of the Crown and Crown reserves), and laying out the proceeds in the purchase of lands which, from their quality, local situation, or state of cultivation, either yield or may be made to yield a present rent.

On each of these modes the Board begs leave to submit the following considerations :—

With respect to the first, it observes, that, besides the disadvantage of the daily decreasing value of an income which is to be applied to a permanent purpose; and which arises from money, or which is reserved in money; it will require the sale of a quantity of land, considerably beyond any that the Board would venture to mention, to raise a sum which, at the rate of 5 per cent. per annum, would yield the sum of 180*l.* as interest. For we conceive it to be generally, though perhaps not universally true, that whenever lands in this country are capable from quality, situation or any other circumstance, of yielding a rent, a capital laid out in the purchase of those lands is much more productive than one lent at interest on either private or public security, and there is this additional advantage on the side of the former, that both the real and the nominal value of rent will increase with the increasing prosperity of the country, while the real value of interest decreases with the decreasing value of money, in a proportion to which the increase of our prosperity is not a counterbalance. The Board therefore considers this mode of raising the income required, as wholly out of the question.

Of the remaining three modes, the Board considers that which proposes to provide the necessary income by reserving for the use of these institutions a certain portion of the waste lands of the Crown, and leasing them for a rack-rent, as incomparably the best; both because it is the cheapest, and because it leaves the fund of Crown reserves, from which the other public purposes of the province may hereafter be supplied, untouched; but it is certain that the present circumstances of the province do not authorize us to expect much income from such a source for some years at least. It may therefore be necessary to break in upon the Crown reserves, and to appropriate such of them as are now capable of yielding rent, to the present purpose; and should the fund, even after this assistance, be still inadequate, nothing will remain but to recur to the fourth of the proposed modes, and to lay out a part of the sum arising from the sales in the purchase of lands capable of producing the income required.

The object which next engaged the attention of the Board, was to consider, in what parts



of the several districts of the province, the proposed schools and seminary should be erected. On this point we were unanimous in thinking that the towns of Cornwall, Kingston, Newark, and Sandwich, are the most proper places for the sites of the four schools. We were equally unanimous in considering the town of York as entitled to the University, both as being the seat of the Executive Government, the legislature, and the courts of justice, and as being by far the most convenient spot in the province for all general purposes, its situation being nearly central, and besides its accessibility by water, the proposed high road from the one end of the province to the other being necessarily to pass near it or through it.

There was not the same coincidence of opinion with respect to the number of schools which the several members of the Board consider as now necessary. Each part of the province seemed to have its claims; and might consider itself as injured, if it were postponed to any other; some of the gentlemen were of opinion that four schools were now necessary, and that the whole number should be begun at the same time; others thought that besides the necessity of managing the fund in the most frugal manner, the present circumstances of the province do not call for the erection of more than two schools; and that if the situations of these two are obviously selected, not with a view to any particular district, but to the province at large, there will be no room for any jealousy among the several parts of it. After some discussion, this opinion was acceded to, and the towns of Kingston and Newark were selected, the former for the Eastern and the latter for the Western half of the province.

But it was at the same time stipulated and agreed, that as soon as the fund should be sufficiently productive, the towns of Cornwall and Sandwich shall each receive a similar mark of the royal munificence.

Nothing now remains but that I should state to your honour the extent of the appropriation of waste lands, which in the conceptions of the members of the Board, is necessary for the purpose in question—and on this subject I am happy to say, that our calculations approach as nearly to each other as could reasonably be expected.

I believe I may state it as our unanimous opinion, that the appropriation should cover such a portion of the waste lands of the Crown, as, if now sold, would produce the sum of 18,000*l.* provincial currency; estimating the present average price of land at about 9*d.* per acre, the quantity required will be nearly 500,000 acres or ten townships, after the deduction of the Crown and clergy sevenths.

It is obvious, that if the four schools are all erected immediately—and the allowance which our estimate proposes for them is not extravagant—a much larger sum than that which I have mentioned will be necessary, and consequently a much larger appropriation must be made. But in the manner in which we propose that the fund should be managed, we conceive that the quantity above mentioned, will not only be amply sufficient for the establishment and support of the four schools, but will be nearly if not quite adequate to the erection and endowment of the University, which the royal bounty has promised to provide for us, whenever the advancement of the province calls for such an institution.

Having trespassed so long upon your honour's time and attention, I shall not trouble you with the detail of the manner in which we conceive that the proposed fund should be managed, because I hope that it will be sufficiently apparent from the following resolutions, into which the Board has condensed all that it has to offer on the interesting and important subject which has engaged it: I have therefore the honour to inform you that the members of His Majesty's executive council, the judges and the law officers of the Crown, after much reflection and deliberation on the matter referred to them, are of opinion:—

1st. That an appropriation of 500,000 acres, or ten townships, after deducting the Crown and clergy sevenths, will be a sufficient fund for the establishment and maintenance of the royal foundation of four grammar schools and an university in the province of Upper Canada.

2d. That the present circumstances of the province call for the erection of two of those schools, one at the town of Kingston, the other at the town of Newark.

3d. That for the purpose of building a plain but solid and substantial house, containing a school-room sufficient to contain 100 boys, and apartments for the master, large enough for the accommodation of a moderate family, and the reception of from 10 to 20 boys as boarders, the sum of 3,000*l.* provincial currency for each will be a sufficient allowance.

4th. That for the purpose of raising that sum, a portion of the appropriation be sold in the manner directed by his Grace the Duke of Portland, with respect to the other waste lands of the Crown.

5th. That for the purpose of defraying the salaries of a master and under-master, in case an under-master should be thought necessary, and also for the purpose of keeping the buildings in repair, and making such additions thereto as circumstances shall require, the annual sum of 180*l.* provincial currency for each school, will be a sufficient allowance.

6th. That in order to raise this annual sum, such parts of the waste lands of the Crown, in the different parts of the province be selected, as from the quality of the soil, or from their local situation, are most likely to yield an annual rent—and that they be leased in the manner heretofore recommended by His Majesty's Executive Council with respect to the Crown and clergy reserves.

7th. That if the income arising from the lands so reserved and leased, be insufficient for the purposes above mentioned, a similar selection be made from the Crown reserves.

8th. That if, after this addition, the fund be still insufficient, a further portion of the appropriated land be sold, and the money arising from the sale invested in the purchase of other lands so situated as to yield a present rent.

9th. That whenever the Governor, Lieutenant-Governor, or person administering the government, in council, shall be of opinion that the circumstances of the province call for the erection of two other schools, and also that the appropriation fund is sufficient not only to bear

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the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a seminary of a larger and more comprehensive nature, the same steps be pursued with respect to such two schools, as have been already recommended with respect to the two schools at Kingston and Newark.

10th. That the provision for the establishment and maintenance of the university be at least equal to that for the four schools taken together.

I have the honour to be,

&c. &c. &c.

(Signed)

J. ELMSLEY, C. J.

I perfectly accord with this Report in all its parts.

(Signed)

PETER RUSSELL,

President.

Document No, 1, referred to in Mr. Secretary HILLIER's letter to the Executive Council of the 12th May, 1823, respecting School Lands.

(Extract of a Despatch from Sir P. MAITLAND to Earl BATHURST.)

"Much good might be effected by the organization of a general system of education, an object to which might be applied the proceeds of the sale of some portion of the lands set aside under the title of 'School reserves,' consisting of 12 townships, comprising 740,000 acres, still however reserving a certain portion for the future endowment of an university, should such an establishment not be considered advisable at present."

"It is proposed to establish one introductory school on the national plan, in each town of a certain size. It is supposed that a salary of 100*l.* per annum to the master of each such school would be sufficient. The number of these schools may be increased as the circumstances of the province may require, and the means allow."

(Copy)

To his Excellency Sir PEREGRINE MAITLAND, &c. &c.

May it please your Excellency,

The committee of the Executive Council, to whom your Excellency was pleased to refer the consideration of a plan for establishing a University in this province, assembled this day, and, by your Excellency's permission, requested the attendance and assistance of His Majesty's Attorney General.

A letter was read from his Grace the Duke of Portland to Lieutenant-Governor Simcoe, bearing date the 22d June, 1796, acknowledging the receipt of a letter from the Bishop of Quebec. upon the subject of a school of a higher class, which his Grace then did not think necessary in Upper Canada. A letter was also read from his Grace, bearing date the 4th Nov. 1797, acknowledging an address from the two Houses of the Legislature, requesting an appropriation of the Crown lands for the establishment of schools, and communicating His Majesty's pleasure to acquiesce in their petition, directing the Governor to consult the Members of the Executive Council, the judges and law officers, on the requisite means to report to his Grace for His Majesty's information, what schools were then necessary, and also to erect and endow a university.

On this letter the committee named, reported four schools to be necessary, a sum of 3,000*l.* requisite to erect them, and an annual sum of 180*l.* to pay a master and sub-master and keep the building in repair; and the sum of 3,620*l.* for a university.

That a fund to raise this sum would require 500,000 acres of land, which was recommended to be set apart for such purpose; and the report, approved by the president, was directed to be transmitted for the information of His Majesty's Government.

No answer to this report, or further confirmation of it, can be traced in the office of the Executive Council. The committee, therefore, concurring in opinion with His Majesty's Attorney-General, that the appropriation of that quantity of land is not sufficiently sanctioned to authorize a grant in other portions than limited by His Majesty's commission, humbly recommend that your Excellency do call the attention of His Majesty's Government to a formal sanction under the royal sign manual, or the signature of His Majesty's Principal Secretary of State for the Colonies, to sell, lease, grant, and dispose of the said 500,000 acres of land, for the purpose of establishing a university in this province.

In the mean time, in conformity to your Excellency's pleasure, the committee proceeded to consider the detail required by your Excellency.

In pursuing this object, the committee first observe, that provision for district schools is not now required out of this fund, being made by the legislature. The scale established by the former committee appears, at present, very inadequate.

The committee is of opinion, that a sum not less than 10,000*l.* will be required to erect a suitable building, and provide a library, philosophical apparatus, and a botanic garden.

That an annual sum of 4,000*l.* may be deemed necessary to defray the salaries of principal, professors, preceptors, scholarships, librarian, gardener, and other officers, with other contingencies.

That to raise these sums, it will be proper that a sale of land should be made from time to time, to meet with security the exigencies of the establishment until the revenue will supply the annual expenditure.

That a commission should permanently attend, with large powers to sell and lease the land and manage its revenues, under the direction of the executive government. It is also consi-



dered, that it would conduce much to the importance and utility of the projected university, if its constitution should be by a royal charter. All which is humbly submitted.

By order,

(Signed) W. DUMMER POWELL, C. J.

Executive Council Chamber,  
York, 7th January, 1819.

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Extract of a Report of the Executive Council to the Lieutenant-Governor,  
dated 17th November, 1830.

The council entirely concurs in the recommendations of your Excellency, assuming that an equivalent in lands may be so arranged in the proposed exchanges, as neither to prejudice the interests of the Crown nor of the school fund; and indeed it appears to the council, that the measure suggested will be highly favourable to the public interests in affording the Crown the means of dispensing more generally through the country the many respectable emigrants arriving from Europe.

Mr. Morris, seconded by Mr. Burwell, moves that the message of his Excellency the Lieutenant-Governor on the subject of school lands, together with the accompanying documents sent down by his Excellency this day, be referred to the select committee on school lands.

Ordered.

Mr. Morris, seconded by Mr. Burwell, moves that 200 copies of the message of his Excellency and the documents accompanying it be printed for the use of members.

Ordered.

Wednesday, 23d February, 1831.

Mr. Morris, from the select committee, to whom were referred the several documents sent down by his Excellency the Lieutenant-Governor on the subject of school lands, informed the House, that the committee had agreed to a Report, which he was directed to submit for the adoption of the House.

The Report was received, and was read as follows:—

Report of Select Committee on School Lands.

The committee appointed to consider and report on the documents sent down to this House by his Excellency the Lieutenant-Governor, on the subject of school lands, respectfully make this their first report.

Your committee, upon a perusal of these important papers, learn, that in the year 1797 the Legislative Council and House of Assembly of this province passed a joint address to His Majesty, "imploping that His Majesty would be graciously pleased to direct the appropriation of a certain portion of the waste lands of the Crown as a fund for the establishment and support of a respectable grammar school in each district thereof; and also of a college or university for the instruction of youth in the different branches of liberal knowledge." To which His Majesty was graciously pleased to express his intention "to comply with the wishes of the Legislature of his province of Upper Canada, in such manner as should be judged to be the most effectual. First, by the establishment of free grammar schools in those districts in which they are called for, and in due process of time by establishing other seminaries of a larger and more comprehensive nature for the promotion of religious and moral learning, and the study of the arts and sciences." For which purpose Mr. President Russell was directed to consult the members of the executive council and the judges and law officers of the Crown, and to report in what manner and to what extent a portion of the Crown lands might be appropriated and rendered productive towards the formation of a fund for these purposes, out of which His Majesty might allot such salaries as he should judge proper for the schoolmasters of such free schools as should thereafter be appointed; and on the 1st December, 1798, the executive council reported to Mr. President Russell that an appropriation of 500,000 acres, or ten townships, after deducting the Crown and clergy sevenths, would be a sufficient fund for the establishment and maintenance of the royal foundation of four grammar schools and an university in the province of Upper Canada," and that the proposed school fund should, when raised, be applied:—

- 1st. For the erection of the necessary buildings.
2. For the payment of the salaries of the masters.
3. For keeping the buildings in repair and the purchase of books and philosophical apparatus; and that 3000*l.* currency should be applied to erect each building; and 180*l.* per annum for the establishment and support of a free grammar school in each district.

The council also reported that the towns of Cornwall, Kingston, Newark, and Sandwich, were at that time the most proper places for the sites of the four schools first necessary,—and that the town of York was the most suitable for a university; and that two of the schools, namely, at Kingston and Newark, should be commenced first: and that whenever the appropriated fund should be found sufficient not only to bear the expense of the erection and endowment of those two schools, but also to leave a residue sufficient for the establishment and future maintenance of a seminary of a larger and more comprehensive nature, that steps should be taken to endow the two other schools.

The executive council also recommended that the provision for the establishment and maintenance of the university should at least be equal to that for the four schools taken together.

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Your committee upon looking over the remaining documents which his Excellency had the goodness to communicate to this House, are informed that the attention of the council was again directed to the school land reservation on the 7th January, 1819, and that they reported to his Excellency Sir P. Maitland, that no trace of any answer to the report of the council of 1st December, 1798, could be found in the council office; that as they were of opinion with the Attorney-General that the appropriation of land was not sufficiently sanctioned to authorize a grant in other portions than limited by his Majesty's commission, they thought it proper to recommend that his Excellency should call the attention of his Majesty's Government to a formal sanction to sell, lease, grant, and dispose of the said 500,000 acres of land for the purpose of establishing a university in this province, endowed by royal charter, as provision for district schools was not by them thought necessary out of this fund, as it had been already made by the Legislature; and that in order to construct the necessary building the sum of 10,000*l.* would be required, with an endowment of 4,000*l.* per annum for the payment of salaries.

From this condensed view of the proceedings of the executive council on the munificent provision for the diffusion of education in this province, the committee are struck with the singular fact, that no apparent benefit has resulted to the inhabitants of the country from the school reservation for a period of 30 years; and that the original intention of the Legislature expressed in the joint address to his Majesty, as well as his Majesty's most gracious desire to meet their wishes by the establishment of free grammar schools in those districts in which they are called for, and in due process of time to establish other seminaries of a more extensive nature, have hitherto, as far as your committee can judge, been lost sight of; and for no other reason that your committee can discover than that a school has, by an act of the Legislature, been already established in each district, with a salary of 100*l.* to the master. But this very limited provision, your committee respectfully submit, ought not to deprive the people of their just claim to a participation in the benefits of the school lands; and to that end the committee suggest that the House ought now to address his Majesty, setting forth the great value of these lands and the ample means which they afford to carry into effect the benevolent intentions of his late royal father, by an endowment from their proceeds for each district of at least 400*l.*, which added to the present appropriation would support eleven respectable seminaries, where the youth of the province generally might receive a liberal education without being removed many hundred miles from the tender care and watchful authority of their parents, as must be the case if those lands are exclusively applied to establish and support King's College or any other extensive university, which can only be viewed as of benefit to those whose wealth enables them to bear the great expense of sending their children to the capital of the province. Your committee also recommend, that besides the above endowment, the sum of 2,000*l.* might be set apart for the annual support of a provincial seminary at York, whether called "Upper Canada College" or by any other name; and that a suitable sum should be expended to erect the necessary buildings, and also to defray the expense of buildings for free grammar schools. That besides these endowments, your committee are of opinion that the great value and extent of the reservation will afford the means of providing a salary of 50*l.* each to the teachers of at least 12 township schools in every district, and thus give to Upper Canada a system of education that might well be envied by any other colony in his Majesty's dominions.

The data upon which your committee have made the foregoing suggestions are the following, viz. that the whole reservation of 549,217 acres, if sold at the average price of 10*s.* per acre, would give a capital of 274,608*l.* producing, if invested at the rate of 5*l.* per cent. interest, an annual income of 13,730*l.*, a sum sufficient to endow the schools which your committee conceive to be necessary, besides leaving an important balance to defray the expense of the sales and collecting the money:—

11 Grammar schools at £400 is . . . . .	£4,400
1 College at York . . . . .	2,000
132 Township schools, being 12 in each district, at £50 . . . . .	6,600
Balance . . . . .	730
	<hr/>
	£13,730

Your committee, in assuming that these lands will sell at the above rate, conceive that they have much underrated their actual value, as it is generally understood that the council of King's College have estimated 225,273 acres of Crown reserves, which were exchanged for, and now form a part of the school reservation, as worth 1*l.* an acre.

Your committee, taking all the circumstances of this highly important subject into their most serious consideration, and averse to an extensive endowment out of this fund to King's College, or any other university, until the original intention of founding a free grammar school in each district has first been carried into effect, earnestly recommend to the House that an humble address be forthwith transmitted to His Majesty, respecting the manifest injury that is inflicted on the inhabitants of this province, by the endowment of the best half of the school reservation for the establishment of a seminary far exceeding the wants of the country, and solemnly beseeching His Majesty to listen to the anxious desire of his faithful subjects in Upper Canada, by arresting the alienation of these lands from their original purpose, and placing them under the control of the legislature, and for this object your committee submit the following resolutions for the consideration of the house.

All which is respectfully submitted.

Committee Room, House of Assembly,  
 23d February, 1831.

W. MORRIS, Chairman.



Resolved, That His Majesty, in the year 1797, was graciously pleased to communicate to the government of this province, by a despatch from the Duke of Portland to Mr. President Russell, in answer to a joint address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown, as a fund for the establishment and support of a free grammar school in those districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

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Resolved, That although more than 30 years have elapsed since His Majesty made this gratifying communication, it does not come within the knowledge of this committee that even one free grammar school has been endowed from these lands, or any other seminary established, in consequence of that reservation, except a school at the seat of government, called the Royal Grammar School.

Resolved, That the establishment by the legislature of a public school in each district, with a salary of 100*L.* currency paid out of the provincial treasury to the master, does not afford sufficient means to instruct the youth of the province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the district grammar schools.

Resolved, That it is most important to the contentment and welfare of the people of this province, that the school lands be applied to the purposes for which they were originally intended, and immediate steps taken to represent to His Majesty's Government, that the several districts, from their extensive and rapidly increasing population, are now in a state to require the establishment of free grammar schools with a suitable endowment, which schools, if incorporated with the present district schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants generally to confer the blessings of a liberal education on their children, and find employment as masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

Resolved, That it would be much more satisfactory to the people of this province if the monies arising from the sale of school lands were paid into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature instead of the present arrangement, as not only the control of the funds, but the general superintendence and organization of the whole system would thus be open to public inspection and approval.

Resolved, That an humble address be presented to His Majesty, setting forth the substance of the foregoing resolutions, and imploring His Majesty's early attention to the anxious hope of His Majesty's faithful subjects of Upper Canada, that the school lands may not be applied to any other object than that for which they were intended by His Majesty's late royal father.

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Wednesday, 16th March, 1831.

Agreeably to the order of the day, the House went into a committee of the whole on the report of the select committee on school lands.

Mr. Clark was called to the chair.

The House resumed.

Mr. Clark reported that the committee had agreed to a resolution, which he was directed to submit for the adoption of the House.

The report was received, and the resolution was adopted *nem. con.* as follows:

Resolved, That His Majesty, in the year one thousand seven hundred and ninety-seven, was graciously pleased to communicate to the government of this province, by a despatch from the Duke of Portland to Mr. President Russell, in answer to a joint address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown as a fund for the establishment and support of a free grammar school in those districts in which they are called for; and in due process of time to establish other seminaries of a more comprehensive nature.

Present—Messrs. Attorney-General, Beardsley, Bidwell, Boulton, Burwell, Campbell, Chisholm, Clark, W. Crooks, Duncombe, Elliott, Howard, Ingersoll, Jarvis, Lyons, McCall, D. McDonald, Mackenzie, McNab, Maçon, Mount, Perry, Randal, Robinson, Roblin, Samson, John Wilson. W. Wilson.

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Wednesday, 21st December, 1831.

Agreeably to the order of the day, the journals of the last session relative to school lands were read (MS. copy, p. 407, 2d vol. Appendix.)

Mr. Morris, seconded by Mr. Duncombe, moves that the House do now resolve itself into a committee on the proceedings of last session, relative to the school lands reservation.

Which was carried, and Mr. Clark was called to the chair.

The House resumed, the Black Rod being at the door.

The Speaker left the chair.

The chairman resumed the chair of committee.

The House resumed.

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 to the Marquis of  
 Normanby.  
 June 8, 1839.  
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Mr. Clark reported that the committee had agreed to several resolutions, which he was directed to submit for the adoption of the House.

The report was received.

The first resolution was put and carried as follows :

Resolved, That His Majesty, in the year 1797, was graciously pleased to communicate to the government of this province, by a despatch from his Grace the Duke of Portland to Mr. President Russell, in answer to a joint address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown, as a fund for the establishment and support of a free grammar school in those districts in which they are called for, and in due process of time to establish other seminaries of a more comprehensive nature.

The second resolution was then put and carried, *nem. con.*, as follows :

Resolved, That although more than thirty years have elapsed since His Majesty made this most gratifying communication, it does not come within the knowledge of this House, that even one free grammar school has been endowed from these lands, or any other seminary established out of that reservation.

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. MacDonald, McMartin, McNab, Magon, Morris, Mount, Norton, Perry, Randall, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

The third resolution was then put and carried, *nem. con.*, as follows :

Resolved, That the establishment by the Legislature of a public school in each district, with a salary of one hundred pounds currency paid out of the provincial treasury to the master, does not afford sufficient means to instruct the youth of the province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the district grammar schools.

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Magon, Morris, Mount, Norton, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, and W. Wilson.

The fourth resolution was then read as follows :

Resolved, That it is most important to the contentment and welfare of the people of this province, that the school lands be appropriated to the purposes for which they were originally intended, and immediate steps taken to represent to His Majesty's Government, that the several districts, from their extensive and rapidly increasing population, are now in a state to require the establishment of free grammar schools with a suitable endowment, which schools, if incorporated with the present district schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants generally to confer the blessings of a liberal education on their children, and find employment as masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

In amendment, Mr. Perry, seconded by Mr. Bidwell, moves, that all the words in the original resolution be expunged after the word "endowment," and the following words inserted, "which would enable the inhabitants generally to confer the blessings of a liberal education on their children."

On which the House divided, and the yeas and nays were taken as follows :

Yeas—Messrs. Berczy, Bidwell, Buell, Clark, A. Fraser, Howard, McCall, A. McDonald, McMartin, Norton, Perry, Randall, Roblin, Shaver, Warren, W. Wilson—16.

Nays—Messrs. Attorney-General, Boulton, Crooks, Duncombe, Elliott, Ingersoll, Jones, Lewis, McNab, Magon, Morris, Mount, Robinson, Samson, Shade, Solicitor-General, Thomson, Vankoughnet, Werden—19.

The question of amendment was decided in the negative by a majority of three.

The original question was then put and carried *nem. con.*

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Magon, Morris, Mount, Norton, Perry, Randal, Robinson, Robin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

The fifth resolution was then put and carried, *nem. con.*, as follows :

Resolved, That it would be much more satisfactory to the people of this province, if the monies arising from the school lands were paid immediately into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature, instead of the present arrangement, as not only the control of the funds, but the general superintendence and organization of the whole system would be thus open to public inspection and approval.

Present—Messrs. Attorney-General, Berczy, Bidwell, Boulton, Buell, Chisholm, Clark, Crooks, Duncombe, Elliott, A. Fraser, Howard, Ingersoll, Jones, Lewis, McCall, A. McDonald, McMartin, McNab, Magon, Morris, Mount, Norton, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, and W. Wilson.

The sixth resolution was then put and carried as follows :

Resolved, That an humble address be presented to His Majesty, setting forth the substance of the foregoing resolutions, and imploring His Majesty's early attention to the anxious hope of His Majesty's faithful subjects of Upper Canada, that the school lands may not be applied to any other object than that for which they were intended by His Majesty's late royal father.



The seventh resolution was then put and carried as follows:—

Resolved, That the chairman be instructed to draft and report to the House, an Address to His Majesty, founded on the foregoing resolutions.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.

June 8, 1839.

Encl. 2, in No. 6.

Agreeably to order, Mr. Clark, chairman of the committee of the whole, on the subject of school lands, reported the draft of an Address to His Majesty, which was received, read twice, concurred in, and ordered to be engrossed and read a third time to-morrow.

Thursday, December 22, 1831.

Agreeably to the order of the day, the Address to His Majesty on the subject of school lands was read the third time.

On the question for passing the same, Mr. Perry, seconded by Mr. Bidwell, moves in amendment, that the Address do not now pass, but that the same be now referred to a committee of the whole House.

Which was carried, and Mr. McMartin was called to the chair.

The House resumed.

Mr. McMartin reported the Address as amended.

The report was received, and the Address was ordered to be engrossed and read a third time this day.

Friday, December 23d, 1831.

Agreeably to the order of the day, the Address to His Majesty on the subject of school lands was read a third time, and passed nem. con., and is as follows:—

To the King's Most Excellent Majesty.

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly approach Your Majesty, to represent that, in the year 1797, Your Majesty's Royal Father was graciously pleased to communicate to the Government of this province, in answer to a joint Address of the Legislature, His Majesty's intention to set apart a certain portion of the waste lands of the Crown as a fund for the establishment and support of a free grammar-school in those districts in which they are, called for, and in due process of time to establish other seminaries of a more comprehensive nature.

That although more than thirty years have elapsed since His Majesty made this gratifying communication, it does not appear that even one free grammar school has been endowed from these lands, or any other seminary established out of that reservation.

We would further represent to Your Majesty, that the establishment (by the Legislature) of a public school in each district, with a salary of one hundred pounds, currency, paid out of the Provincial Treasury, to the master, does not afford sufficient means to instruct the youth of the province in the several branches of classical and scientific learning, and ought not therefore to be considered as a reason for withholding the support which His Majesty intended for the free grammar schools. It is therefore most important to the contentment and welfare of the people of this province that the school lands, amounting to 549,217 acres, be applied to the purposes for which they were originally intended; and as the several districts are, from their extensive and rapidly increasing population, in a state to require the establishment of free grammar schools, which, if suitably endowed and incorporated with the present district schools, would afford the means of respectable support to a master and two assistants in each, and thereby enable the inhabitants of the colony to confer the blessing of a liberal education on their children, and find employment as masters for such of them as may be found to have made the necessary proficiency in the acquirement of classical and scientific knowledge.

We also represent to Your Majesty, that it would be much more satisfactory to the people of this province if the monies arising from the school lands were paid into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature, instead of the present arrangement; as not only the control of the funds, but the general superintendence and organization of the whole system would thus be open to public inspection and approval.

We therefore humbly implore your Majesty to place the school lands at the disposition of the legislature of the province, to be applied exclusively for the purposes intended by Your Majesty's Royal Father.

ARCHIBALD McLEAN, Speaker.

Commons House of Assembly, 23d day of December, 1831.

PRESENT.

Messrs. Attorney-General, Berczy, Bidwell, Chisholm, Clark, Crooks, Duncombe, Elliott, A. Frazer, R. Fraser, Howard, Ingersoll, Jones, Ketchum, Lewis, McCall, D. McDonald, McMartin, Maçon, Morris, Mount, Perry, Randal, Robinson, Roblin, Samson, Shade, Shaver, Solicitor-General, Thomson, Vankoughnet, Warren, Werden, W. Wilson.

Mr. Morris, seconded by Mr. Thomson, moved that an humble Address be presented to his Excellency the Lieutenant-Governor, informing his Excellency that this House has passed an Address to His Majesty on the subject of the clergy reserves, and also an Address relative

No. 6.  
 Sir Geo. Arthur  
 to the Marquis of  
 Normanby.  
 June 8, 1839.  
 Encl. 2, in No. 6.

to the school lands, and requesting his Excellency to transmit the same to His Majesty; and that Messrs. Samson and Cook be a committee to draft and report the said Address.

Ordered.

Mr. Samson, from the committee to draft an address to his Excellency the Lieutenant-Governor, requesting his Excellency to transmit the Address to His Majesty on the subjects of clergy reserves and school lands, presented a draft, which was received and read twice, concurred in, and ordered to be engrossed and read a third time this day.

Monday, 26th December, 1831.

Mr. Samson, from the select committee to wait upon his Excellency the Lieutenant-Governor to know when he would be pleased to receive this House with their Address, requesting his Excellency to transmit the addresses to His Majesty on the subject of the clergy reserves and school lands, reported that his Excellency had been pleased to name the hour of 10, A. M., to-morrow.

J. COLBORNE.

In transmitting the accompanying memorials and correspondence, in compliance with an Address from the House of Assembly, the Lieutenant-Governor acquaints the House, that from the documents in his possession it appears that in compliance with an Address to the King from the Legislative Council and House of Assembly, in the year 1797, praying that a certain portion of the waste lands of the Crown might be appropriated for the establishment and support of a grammar-school in each district, and also a college or university for the instruction of youth in the different branches of liberal knowledge, the Secretary of State for the Colonies expressed His Majesty's intention to comply with the wishes of the Legislature in such a manner as should be judged most effectual; First, by the establishment of free grammar schools in the districts in which they were called for, and in due time, by establishing other seminaries of a larger and more comprehensive nature, for the promotion of religious and moral learning, and the study of the arts and sciences; and directed that the Executive Council and law officers should be consulted on this subject.

In consequence of these instructions, the Local Government, in 1798, recommended 12 townships to be set apart for the purposes of education, or about 549,217 acres, and it appears that none of the reserves were alienated till the year 1823, when Lord Bathurst authorized a General Board of Education to be formed, and a portion of the reserves to be applied under the management of the board towards raising a fund for the establishment of township schools.

In the year 1827, His Majesty's Government ordered 255,273 acres of the lands originally set apart for the purposes of education, to be transferred to the Crown in lieu of the leased Crown reserves granted to the university as an endowment for that institution; and lately, 66,000 acres have been set apart for the support of Upper Canada College and Royal Grammar School, and for the purpose of raising a fund from which the advances made to establish that seminary by the University Council and by the Board of Education, may be repaid.

Government House, 24th December, 1831.

Thursday, 8th November, 1832.

Mr. Morris gives notice, that he will to-morrow move for an Address to his Excellency the Lieutenant-Governor, requesting his Excellency to inform this House, what quantity of the school lands reservation has been sold, what quantity is now remaining at the disposition of the Legislature, showing in what districts and townships the same are situated.

Friday, November 9, 1832.

J. COLBORNE.

The Lieutenant-Governor transmits to the House of Assembly, a copy of a despatch from His Majesty's Principal Secretary of State for the Colonies, on the subject of the Address of the House to the King respecting the proceeds of the sale of lands set apart for the support of schools.

Government House, November 9th, 1832.

(Copy) No. 83.

SIR,

Downing Street, London, 5th July, 1832.

I HAVE had the honour of receiving, and laying before His Majesty, your despatch of the 13th February last, enclosing an Address from the Assembly of Upper Canada, praying that the "school lands within the province may be applied to the purposes for which they were originally intended," and further representing that it would be much more satisfactory to the people of the province, if the monies arising from the school lands were paid into the hands of the Receiver-General, and the fund placed at the disposal of the Legislature.

I have received His Majesty's commands to direct you to inform the Assembly, at their next meeting, that He has been graciously pleased to accede to their request, and that the



sums arising from the sale of that portion of the school lands which has not already been alienated, will be paid into the hands of the Receiver-General, to be applied to the promotion of Education in such manner as the Legislature may direct.

I have, &c.

Major-General Sir John Colborne, K.C.B.

GODERICH.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.  
Encl. 2, in No. 6.

Wednesday, 14th November, 1832.

Agreeably to notice, Mr. Morris, seconded by Mr. Buell, moves that an Address be presented to his Excellency the Lieutenant-Governor, requesting that his Excellency may be pleased to lay before this House a statement of the number of acres of school lands which have been alienated, and the number remaining; and to inform this House in what districts and townships they are situated.

In amendment, Mr. Burwell, seconded by Mr. William Wilson, moves, that after the word "situated" in the original motion, the following be added:—"And also a statement of the number of acres of land which have been granted by His Majesty's Government to individuals, in the school townships of Southwold, Yarmouth, Houghton, Middleton, Westminster, and Blandford,—showing also the number of acres which have been granted in each of said townships to surveyors, in compensation for surveying; and an account of the quantity and situation of such lands as may have been set apart by His Majesty's Government for school reserves, in lieu of the lands granted in the said townships."

Mr. Burwell, seconded by Mr. W. Wilson, moves that Messrs. John Wilson and Boulton be a committee to draft an address to his Excellency the Lieutenant-Governor, in pursuance of the resolution of this House on the subject of school lands.

Ordered.

Mr. John Wilson, from the select committee to draft an address to his Excellency the Lieutenant-Governor, for information relative to school lands, reported a draft, which was received, read twice, concurred in, and ordered to be engrossed and read a third time to-morrow.

Thursday, 15th November, 1832.

AGREEABLY to the order of the day, the address to his Excellency the Lieutenant-Governor, requesting information relative to the school lands, was read a third time, passed, and signed, and is as follows:—

To his Excellency Sir John Colborne, K.C.B., Lieutenant-Governor of the Province of Upper Canada, and Major-General commanding His Majesty's Forces therein, &c., &c.

May it please your Excellency,

We, His Majesty's dutiful and loyal subjects, the Commons House of Assembly of Upper Canada, in Provincial Parliament assembled, most humbly beg leave to request that your Excellency will be pleased to direct the proper officer to inform this House what quantity of the school lands reservation has been alienated, and what quantity is now remaining at the disposition of the Legislature, showing in what districts and townships the same may be situated, and to lay before this House a statement of the number of acres of land which have been granted by His Majesty's Government to individuals in the school townships of Southwold, Yarmouth, Houghton, Middleton, Westminster, and Blandford, showing also the number of acres which have been granted in each of said townships to surveyors in compensation for surveying; and an account of the quantity and situation of such lands as may have been set apart by His Majesty's Government for school reserves in lieu of the lands granted in the said townships.

Commons House of Assembly,  
November 15, 1832.

ARCHIBALD McLEAN, Speaker.

(Copy.)

J. COLBORNE.

The Lieutenant-Governor, with reference to the address of the House of Assembly of the 15th November, transmits the accompanying communication from the Secretary of the Board of Education and Returns from the Surveyor-General; showing the number of acres of the Crown lands which were set apart originally by the Executive Government, for the establishment and support of grammar schools and colleges, in conformity to instructions received from His Majesty's Secretary of State for the Colonies.

Government House, 17th December, 1832.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1939.  
Encl. 2, in No. 6.

RETURN OF SCHOOL LANDS, Showing the Original Reservations—the Number of Acres Alienated—the Lands Appropriated in lieu thereof—the per Centage granted to Contractors for Surveying—the Number of Acres set apart for Upper Canada College—and the Quantity which remains Disposable.

Districts.	Townships.	No. of Acres originally reserved.	No. of Acres alienated.	Contractors' per Centage.	No. of Acres disposable.	Alienated Lands disposed of.	Remarks.
Ottawa . .	Alfred . .	25,140	25,140	None.	None.	Granted to individuals.	
	Plantagenet . .	40,000	40,000	None.	None.	do.	
	Bedford . .	61,220	5,538	2,858	55,684	2,680 acres granted to individuals	Rocky.
Midland . .	Hinchinbroke . .	51,100	51,100	2,437	None.	48,663 acres re-invested in the Crown, in lieu of lands granted to the University	Good land.
	Sheffield . .	56,688	3,158	3,158	53,530		Ditto.
Newcastle . .	Seymour . .	47,484	47,484	3,515	None.	25,000 acres granted to Upper Canada College; 18,969 acres re-invested in the Crown, in lieu of scattered lots granted to U. C. College.	
	Blandford . .	20,400	6,179	1,179	14,221	5,000 acres granted to Upper Canada College	Ditto.
London . .	Houghton . .	19,000	3,192	1,505	15,893	1,597 acres to individuals, 600 acres of which have been reserved in the town-ship of Warwick	Ditto.
	Middleton . .	35,000	24,267	1,667	10,733	22,600 acres granted to individuals	Ditto.
	Southwold . .	40,500	31,619	719	8,881	30,900 do.	Sandy.
Home . .	Westminster . .	51,143	41,943	1,218	9,200	do.	Good land.
	Yarmouth . .	20,000	8,110	1,026	11,900	do.	Ditto.
	*Java . .	12,000	12,000	..	None.	do.	Ditto.
London . .	*Luther . .	66,000	66,000	..	None.	12,000 acres granted to Upper Canada College.	
	*Sunnidale . .	38,000	38,000	..	None.	Re-invested in the Crown, in lieu of lands granted to University.	
	*Osprey . .	50,000	50,000	..	None.	do.	
London . .	*Merlin . .	40,000	28,312	..	11,688	do.	
	*Proton . .	66,000	..	..	66,000	23,221 acres re-invested in do.; 5,031 acres re-invested in do., in lieu of lands granted to U. C. College.	Not surveyed, but supposed good.
	Warwick . .	600	..	..	600	Reserved for lands granted in Houghton.	Do. do.
Total Quantity disposable . .					258,330		Good land.

The Townships marked \* were substituted in lieu of lands granted to individuals in the Townships of Alfred, Plantagenet, Bedford, Houghton, Middleton, Southwold, Westminster, and Yarmouth.  
Surveyor-General's Office, York, U. C., 10th December, 1832.

S. P. HURD, S. G.



Copy of Letter from GEORGE H. MARKLAND, Esq., Secretary to the General Board of Education.

No. 6.  
 Sir Geo. Arthur  
 to the Marquis of  
 Normanby.  
 June 8, 1839.  
 Encl. 2, in No. 6.

SIR,

14th December, 1832.

FROM the accompanying documents, which have been prepared for the information of his Excellency the Lieutenant-Governor, it will appear that the original reservation of land for the purposes of education amounted to 467,675 acres, of which 170,719 acres were alienated by grants to individuals, and in lieu thereof 272,600 acres were appropriated to a similar purpose, giving a surplus over and above the quantity deficient of 101,881 acres. There were also alienated, as a per centage to surveyors, 19,282 acres.

Since the reservation before alluded to, 225,944 acres of it have been re-invested in the Crown, in lieu of scattered reserves, granted as an endowment to the University of King's College, and 60,000 acres have been set apart for the benefit of Upper Canada College; after which deduction there remains at the disposal of such person or persons as may be appointed for the sale thereof, 258,330 acres.

I have the honour to be, &c.,  
 GEO. H. MARKLAND.

Lieutenant-Colonel Rowan,  
 &c.      &c.      &c.

Copy of Letter from S. P. HURD, Esq., Surveyor-General.

SIR,

Surveyor-General's Office, 10th December, 1832.

IN obedience to the commands of his Excellency the Lieutenant-Governor, to furnish a statement of the school lands, agreeably to the address of the House of Assembly, I have the honour herewith to transmit to you a return of the school lands, showing the original townships reserved, the number of acres alienated, the lands appropriated in lieu thereof, the surveyors' per centage, the number of acres set apart for Upper Canada College, and the quantity which remains disposable.

I have the honour to be, &c., &c.,

To Lieutenant-Colonel Rowan,  
 Secretary to his Excellency the Lieut.-Governor,  
 &c.                      &c.                      &c.

S. P. HURD, S. G.

	Acres.
The original school townships of Alfred, Plantaganet, Bedford, Hinchinbroke, Sheffield, Seymour; Blandford, Houghton, Middleton, Southwold, Westminster, and Yarmouth, were computed at 549,216 acres, but actually contained . . . . .	467,675
Alienated from the above, for surveyors' per centage . . . . .	19,282
Alienated by grants to individuals . . . . .	170,719
The townships of Java, Luther, Sunnidale, Osprey, Merlin, and Proton, made school townships in lieu of the above alienations, contain . . .	272,000
Also reserved in township of Warwick . . . . .	600
	<hr/>
	740,275
Re-invested in Crown, in lieu of lands granted to the University . . .	225,944
Re-invested in Crown, in lieu of lands granted to Upper Canada College.	66,000
	<hr/>
	481,945
	<hr/>
School lands, disposable . . . . .	258,330
	<hr/>

S. P. HURD.

Memorandum of lands granted to the Upper Canada College . . . . 66,000 acres.  
 25,000 acres in Seymour.  
 18,969 acres in scattered lots, for which a like quantity is re-invested in the Crown in the township of Seymour.  
 5,000 acres in the township of Blandford.  
 12,000 ditto in the township of Java.  
 5,031 ditto in scattered lots, for which a like quantity is re-invested in the Crown in the township of Merlin.  


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 66,000 acres.

Memorandum of lands granted to the University under patent deed . . 225,944 acres.

No. 6.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
June 8, 1839.

Memorandum of lands alienated to individuals :—

	25,140 acres in the township of Alfred.		
	40,000	ditto	Plantagenet.
	2,680	ditto	Bedford.
	22,600	ditto	Houghton.
Alienated in these	30,900	ditto	Middleton.
five townships :	40,725	ditto	Southwold.
102,906 acres.	40,725	ditto	Westminster.
	7,084	ditto	Yarmouth.
	<hr/>		
	170,726 acres.		

Memorandum :—

Alfred and Plantagenet were thrown open for general location under Governor Gore, containing about 65,000 acres, which amount is included in the 170,712 alluded to, leaving 105,719 which have been taken from the original school townships.

	Acres.
University . . . . .	225,944
Upper Canada College. . . . .	66,000
	<hr/>
	291,944
	<hr/>
Original intention . . . . .	549,217
Deduct . . . . .	291,944
	<hr/>
	257,273

No. 7.

(Separate.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

No. 7.  
Sir Geo. Arthur  
to the Marquis of  
Normandy.  
July 26, 1839.

MY LORD,

Government House, Toronto, 26th July, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, marked "Separate," of the 3d instant, stating the reasons which had induced your Lordship to defer for the present an official answer to the address to the Queen from the Legislative Council and House of Assembly of Upper Canada, on the subject of the services and claims of Commander Drew.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquis of Normanby,  
&c. &c. &c.

GEO. ARTHUR.

No. 8.

(No. 161.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

No. 8.  
Sir Geo. Arthur  
to the Marquis of  
of Normanby.  
July 27, 1839.

MY LORD,

Government House, Toronto, 27th July, 1839.

I HAVE the honour to transmit to your Lordship the accompanying petition to Her Majesty from the United Synod of the Presbyterian Church of Upper Canada, convened in annual meeting at Cavan, praying, that in the distribution of the clergy reserves they may be allowed an equal proportion of them with other religious denominations, so that all invidious distinctions among Her Majesty's subjects may thereby be avoided.

I take this opportunity to repeat what I have already expressed on various occasions, that the body of Christians to which these petitioners belong, form a very numerous and respectable class of this community.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquis of Normanby,  
&c. &c. &c.

GEO. ARTHUR.



Enclosure in No. 8.

To Her most Gracious MAJESTY VICTORIA I., Queen of Great Britain and Ireland, &c. &c.  
The Petition of the United Synod of the Presbyterian Church of Upper Canada most  
humbly sheweth,—

THAT we, the United Synod, convened at Cavan, at our annual meeting, were the first organized Presbyterian body in the province, and among the very first collegiately educated ministers who manifested a disinterested spirit by leaving our native homes, breaking up our early and tender associations, encountering the unspeakable difficulties of a new country, and carrying from house to house, and from place to place, peace and good will, and the pure word of life, to the people of this colony. When we entered upon the moral culture of the widely desolated field of Upper Canada, there were but very few ministers of the Church of England in it, and only one of the Church of Scotland, who was soon called to his everlasting home. It then devolved entirely upon the United Synod to administer the ordinances of religion, and break the bread of life to the Presbyterian population of the province. We are all British born subjects; have occupied the field for upwards of thirty years; and in point of Christian loyalty and sincere devotedness to your Majesty and British institutions, we can yield to no class of your Majesty's subjects. As an evidence of this, we are not aware that any one connected with our congregations, scattered as they are over nearly the whole province, was either found in arms, or brought under the charge of sedition or high treason, during the late wicked and unnatural rebellion; but, on the contrary, our people were among the very first, during the different invasions of the province, to leave their homes and families to rush to the post of danger, and were the last to leave them. Many of them fell at the battle of the Windmill, numbers of them were severely wounded, some of whom are not yet recovered, and therefore equal in danger, in taxation, in loyalty, &c.; ever ready by our influence and blood to uphold British supremacy against republican institutions, we justly claim from your Majesty equal favours and equal liberties.

The Provincial Parliament of Upper Canada have at length settled that long agitated subject, the clergy reserve question, by reinvesting the reserves in your Majesty for religious purposes.

Your Majesty's petitioners would most humbly beg leave to submit to the serious consideration of your Majesty, that should they be appropriated exclusively to one or two religious denominations, it will convulse again the province to its centre, excite the worst passions of men, produce deep dissatisfaction in the public mind, and bring about the most deplorable consequences. Should we now suppress these appalling apprehensions, we would shrink from a solemn duty which we owe to your Majesty, the British nation, and her colonies, as well as to our own conscience and the people of our charge.

Your Majesty's petitioners would also beg leave most humbly to impress this fact upon the most gracious attention of your Majesty, that a committee of the present House of Assembly, at two different sessions, presented a report, recommending the House to divide the reserves among five denominations, including your Majesty's petitioners. We therefore most humbly pray your most gracious Majesty to grant your petitioners an equal proportion with other denominations, and thereby avoid all invidious distinctions among your Majesty's subjects.

May the wisdom of Him who is able to direct, enable your Majesty to settle the important question in such a manner, that all bitterness of feeling, animosity, and mutual recrimination may cease; that peace and tranquillity may be restored to the public mind; stability and success to our institutions; prosperity to our commerce and agriculture; that men may fear God, honour the Queen, and love one another; and that the people of this province may rise to such a high degree of eminence in a religious, moral, and social point of view, that men from afar may be attracted to this British colony and find an asylum.

And your Majesty's petitioners, as in duty bound, will ever pray.

Signed in the name, and in the presence, and on behalf of the United Synod of the  
Presbyterian Church of Upper Canada.

(Signed) JAMES DOUGLASS, Moderator.  
WILLIAM SMART, Stated Clerk.

Cavan, Upper Canada, 28th June, 1839.

No. 9.

(No. 173.)

Copy of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 29th July, 1839.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch, No. 21, of the 6th of April last, accompanied by a copy of a letter from the secretary to the Lords Commissioners of the Treasury, conveying their Lordships' decision relative to the case of the destitute individuals in Upper Canada, termed "commuted pensioners."

No. 8.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
July 27, 1839.  
Encl. in No. 8.

No. 9.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
July 29, 1839.  
For the Marquis of  
Normanby's Despatch  
6 April, 1839, vide  
Papers ordered to be  
printed by the House  
of Commons 7 and 15  
May, 1839, No. 248,  
p. 60.

No. 9.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
July 29, 1839.

With a view to devise the means of carrying into effect the instructions of Her Majesty's Government, as contained in this despatch, I caused that communication to be referred to a special Board, consisting of Major Barou, R.E., Deputy Commissary-General Knowles, and A. B. Hawke, Esq., Chief Agent for Emigration; desiring that they would report upon it for my information.

Accordingly, the Board have submitted the Report, of which the accompanying enclosure is a copy.

No. 1.  
From this document your Lordship will perceive that the mode of affording relief to the commuted pensioners prescribed by the Treasury instructions, was considered by the Board as impracticable in its details, inasmuch as the majority of the ex-pensioners being scattered through the province, and many of them residing in remote districts, where no commissariat establishments exist, it would have been impossible to administer to them the *daily* measure of relief which was proposed.

No. 2.  
The next step which I deemed it expedient to take in relation to this matter, was to refer the Report of the Board to the Executive Council, of whose Minute thereon I have also the honour to transmit herewith a copy.

The Council, as your Lordship will remark, after carefully reviewing the whole circumstances of the case, have expressed their concurrence in the opinion of the Board, that the issue of *daily rations* was impracticable as a means to the end contemplated.

On the strength of these corresponding representations from two distinct Boards, with whose views upon the point in question my own entirely coincided, I have not hesitated to assume the responsibility of so far departing from your Lordship's instructions as to authorize the issue, *at one time*, of a larger quantity of provisions than the Lords of the Treasury have directed; and your Lordship will derive on this head the necessary information on reference to the enclosed printed notice, addressed to commuted pensioners, and signed by Mr. Hawke.

No. 3.  
It being necessary, also, under this arrangement, to supply the want of commissariat offices in various parts of the country where the pensioners are located, the Chief Agent for Emigration has, by my desire, addressed a circular letter to such gentlemen residing in the immediate vicinity of the parties to be relieved, as, judging from their personal character, appeared to be the most likely to assume the benevolent task which it was desired to impose upon them.

No. 4.  
Of this circular, and the printed form of receipt referred to in it, I have the honour to transmit herewith copies.

The lists of pensioners enclosed in your Lordship's despatches Nos. 21 and 66, have been severally printed for the purpose of distribution through the proper channels.

The commissariat officers not feeling themselves competent to act in pursuance of these measures, without some express authority, I have superseded the necessity of application being made to the commissary-general at Quebec, by issuing a general order, under which the commissariat officers will be empowered to do what is requisite in the matter.

As regards the suggestion contained in the minute of the Executive Council that permanent pecuniary instead of mere eleemosynary relief should be afforded to the ex-pensioners who can make good their claims, I am prepared to say that this mode of adjustment appears to me to be the best calculated to fulfil effectually the humane intentions of Her Majesty's Government relative to the unhappy objects of their commiseration; and I strongly incline to think that succour of this nature would prove, in the end, the most economical; for it is futile to suppose that the aid now about to be distributed will not, of necessity, require to be made constant.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

GEORGE ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.



Enclosure 1, in No. 9.

Emigrant Office, Toronto, 20th May, 1839.

PURSUANT to the morning district General Order of the 18th of May, the Board, consisting of

PRESIDENT :

R. J. Baron, Royal Engineers.

MEMBERS :

Deputy Commissary-General Knowles,  
A. B. Hawke, Esq., Emigrant Agent,

Assembled at this office, to-day, for the purpose of considering and reporting upon the subject of a despatch received from Her Majesty's Principal Secretary of State for the Colonial Department, relative to the commuted pensioners, and having attentively considered the matter laid before them, report as follows :—

The prominent points in the despatch are these—1st. To afford a regulated and indispensable relief to the destitute commuted pensioners. 2nd. To guard against deception. With this view, therefore, it is necessary to identify the individuals, and to establish an undoubted case of destitution, as the sole title to the prescribed assistance in food, and in clothing and shelter.

The rules laid down in the letter from the Treasury Chambers of the 25th March, viz.; "That the relief should in every case be limited to the smallest possible amount; that it should be given only upon the daily and personal application of each individual requiring it; that the relief is liable to be withdrawn in the event of any misconduct, or when employment can be found for the applicant." These, and its whole tenor, clearly presuppose that the general condition of the commuted pensioners is above want, and that the administration of charitable aid will be temporary and incidental.

When, however, it is borne in mind what are required, and what usually are the qualities of a settler in America—youth, strength, and enterprise, to war successfully with the wilderness. When we contrast with these requirements of vigour and of toil, the dregs of a hard and dissolute life, which emigrants, maimed, aged, or prematurely exhausted, bring to the encounter of extreme labour and hardship, how can we wonder at failure? But many, it will be said, have families with adult children capable of sustaining the parent's burden, and solacing their declining years, in the expectation of an unencumbered inheritance. Unhappily, however, in many instances, the children forsake a thriftless home to become the artificers of their own fortunes. The best of the emigrants are those actually engaged in the cultivation of the lands assigned to them, and of these, many have been compelled to give up the struggle in despair. Mr. Hawke, the Emigrant Agent, so well qualified to inform us knows, that of this superior and more energetic class, hundreds have been relieved by the Provincial Government since 1834, in every form of charity but that of money.

Having made these preliminary observations, we will now enter into detail.

The Return sent to England by his Excellency Sir George Arthur contained 567 names; the verified list which accompanies the despatch has 441. The difference is 126, and of these names so rejected, 28 are considered doubtful, as they cannot be found on the books of Chelsea Hospital by the descriptions given. A supplementary list of 87 names was sent in February last, from the Emigrant-office, to Mr. Secretary Macaulay; and assuming the same proportion of alloy, the number would be reduced to 73; so that, adding together 441 admitted, 23 (a proportionate reduction of the 28 doubtful cases) and 73 the probable amount of the amended supplementary list, we shall have 537 commuted pensioners in Upper Canada. Of these about 260 are settled on their lands, principally in the Home, Newcastle, and London districts, and are, as we have already observed, stronger, more industrious, and better behaved than the rest, but Mr. Hawke's letter to Mr. Joseph, dated the 9th of April, 1837, shows that they have received more or less relief every year since they have been located, and we have stated that many have been constrained by infirmity to abandon their holdings.

To men scattered over a vast extent of country, in places remote from commissariat and ordnance establishments, and the stations of medical officers, the rules set forth in the letter from the Treasury are obviously inapplicable. They demand a daily scrutiny into applications for relief, in order to adapt it nicely to fluctuating wants, so that it shall cease the instant they terminate, and recommence as soon as they are renewed. If, as in Europe, the watchful eye of the magistrate and the priest penetrated into every portion of the community, some local arbiter of their claims might be found acquainted with their characters and wants, and able to mediate effectually between benevolence and want. But who shall hold the balance of these pensioners' distresses, destitute as they are of the guardianship of the clergyman, and of the scarcely less beneficial influence of kind, considerate, and wealthy neighbours. It is clear then, that there are no local means of obtaining an accurate knowledge of their condition, such a knowledge at least as is required to carry the rules into effect. Even were an officer appointed to devote his exclusive attention to their circumstances, and to be constantly moving from house to house, he could not confine occasional relief to the precise period of its necessity; he could not travel about with a load of provisions and blankets, and if these were ordered from a distant dépôt they would arrive too late. Frequent relief would soon become constant from the impossibility of verifying the propriety of the demands, and apportioning it to their duration. In spite then of the prohibition of pecuniary relief, we

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feel urged to recommend its adoption with regard to the located pensioners, to escape the costly, clumsy, tardy, method of relief in kind.

What shall be the principle of its application? to how many and for what period shall it be given?

From the experience of the emigrant agent we derive the expectation, that about 10 per cent. of the number, or 20 pensioners, will be forced annually to abandon their posts unless they receive assistance. Without it these will actually fail; but such a proportion of failure does not denote a very flourishing state in the remainder. If permanent aid be accorded to 20, and if those (altogether incapable) who belong to the establishment at Penetanguishine, and to whom we shall presently advert, continue to receive entire support, would not a reward be held out to incapacity calculated to damp exertion, when without it, nearly the same benefits were obtained. This effect would undoubtedly occur to a certain extent; but admitting the greatest, assuming that all sat down in despondency, and called upon Hercules for help, still the grant of a small sum, even sixpence a-day to each pensioner, would prevent them from foregoing the pleasure of establishing their families on their own lands, would arrest their descent into the lower class at Penetanguishine, and might, by improving the prospects of the family, and diminishing its burdens, bind the sons to the fortunes of their parents. A daily charge of sixpence each, for 200 men, would amount to 1,825*l.* per annum, and would decrease until the whole became extinct. Taking the average pension at 9*½d.* a-day, and the expense already incurred in settling the pensioners, the Government would be no loser by such an arrangement. No valid objection could be raised against making equal allowances to those who had previously held unequal pensions, since the relief would be strictly eleemosynary, not graduated by past service but by present distress.

For the proper distribution of charity among the emigrants settled on their lands, and a necessary inspection of their state and conduct, we beg leave to propose, that Mr. Hawke be authorized to select a suitable person, among those who assisted in locating them, subject of course to the approval of his Excellency Sir George Arthur. It should be the duty of this inspector to enter every house twice a-year, at irregular periods, to make himself well acquainted with the pensioners and their families, their numbers, behaviour and condition, to ascertain the quantity of land brought into cultivation, and to judge what assistance should be given to each distressed family, and for what time.

All this should be expressed in a report, containing his reasons for assigning the various amounts of assistance. The report, bearing his signature, should be sent to Mr. Hawke for examination and for certificate of his belief in its correctness, before being transmitted to his Excellency Sir George Arthur.

It would be obviously desirable that this officer should continue to fulfil the duties as long as he wishes it, and give satisfaction, because the just administration of relief depends entirely upon an accurate knowledge of circumstances, which time and industry alone can give. In the event of misconduct, relief would be suspended, except in cases of extreme distress; these cases of forfeiture will be noted in the report, and we apprehend that a few such examples of benefits withheld will insure good conduct, and prevent the misapplication of the funds.

It would be well in a printed address to the emigrants, to give them credit for not abusing the liberality of Government, to show that it is entirely gratuitous, and to make them clearly understand, that it is bestowed not as a pension, but for the relief of distress; and that idleness and misconduct will deprive them of its benefits.

Could the inspector happily combine with other qualities a slight knowledge of medicine, and an acquaintance with the prevalent diseases of a forest life, (agues for instance) he might be intrusted with a reasonable quantity of Quinine, and a few other drugs, for the proper distribution of which he would be accountable.

With regard to the cost of employing such an officer, it would be comparatively trifling. Allow that he travels 1,200 miles a-year, and on an average 20 miles a-day; that he be paid sixpence a mile, and two dollars a-day for as many days as he is engaged in the journey: the annual amount would be 55*l.* sterling; it would be better to pay by the mile, and by the day, than to assign a fixed salary, and the security from abuse would rest upon the *bonâ fide* certificate of the inspector, upon the examination of the claims by Mr. Hawke, and upon the means afforded of detecting negligence or overcharge from the representations of the emigrants themselves.

We come now to the consideration of the remainder of the commuted pensioners, those we mean who are not included in the class described.

Of these there are very many who infest the small towns and villages, living upon precarious charity, and some in sloth and debauchery; the rest are assembled at Penetanguishine, and we beg leave to recommend the continuance of that establishment, possessing as it does the advantages of military supervision, of a commissariat, and of a medical officer. There are now at that post 51 men, 37 women, and 120 children; and assuming from the known reluctance of numbers to subject themselves to military control, that only as many more will join the establishment, we shall have 102 men, 74 women, and 240 children.

Those already there have had huts built for them, have received articles of clothing, which we will presently enumerate, and sustenance on a scale not materially different from the Treasury regulations. A small portion of garden ground has been allotted to each; spades and hoes have been distributed among them, and axes to enable them to chop their own fuel, Fishing rods and lines were issued with the expectation of their being thus enabled to supply a part of their food, in a manner considered amusing, but the experiment failed; we hold them totally incapable of contributing to their own support, and we see not the smallest prospect of their ever being able to do so. We will, therefore, furnish a calculation of the



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probable expense of the establishment for the above-stated number, viz., 102 men, 74 women, and 240 children under 14 years of age; and we take the full number of women and children, convinced that if they find at all a scanty and occasional employment, it will add very little to their means of livelihood, or do no more than find their clothing.

Now, the Treasury regulations allow two-thirds of an ordinary ration, without wine or spirits to each man, half a ration to each woman, and one-third to each child. Taking the proportion of three-fourths of a woman to each man, and  $2\frac{1}{2}$  children, we find that  $\frac{3}{4} + \frac{1}{2} + \frac{2}{3} = 1\frac{1}{6}$ , or nearly two rations for each man, involving in that one expression (for the sake of simplicity) the total charge for a man, and for the women and children, united, on the average with each, Taking the ration at 8*d.* sterling, we have  $16*d.* \times 102 = 6*l.* 16*s.*$ , the daily charge for rations, making a yearly charge of 2,482*l.*

But this is not the only source of expenditure past or prospective.

The annual cost paid out of the casual and territorial revenue of the province for the supply of clothing, &c., has hitherto been, and, in our opinion, must continue to be, as given in the following account, into which we have thrown items approximated as nearly as we can make them to a yearly sum.

	Shillings.
Suit of clothes . . . . .	34 0
Forage cap . . . . .	2 1
Shirt . . . . .	3 0
2 pair of socks . . . . .	3 4
1 pair of shoes . . . . .	5 3
Bed ticks made up at 6 <i>s.</i> 3 <i>d.</i> , allow for wear and tear . . . . .	3 1
Blanket . . . . .	10 1
Drugs. . . . .	2 0
An axe, hoe, and spade to last three years, each year's wear . . . . .	5 0
Allowance for one year for cost of hut . . . . .	8 0
A proportion of the expense of transporting each person from Toronto to Penetanguishine . . . . .	2 0
Postage, stationery, advertising, and printing . . . . .	2 0
Medical comforts, wine, sugar, &c. . . . .	2 0
Payment of schoolmaster and books, for the proportionat number of children for each man . . . . .	8 0
	<hr/>
	89 10

Say 90*s.* a year  $\times 102$  men = 459*l.*; add this sum to the 2,482*l.*, and the annual cost of keeping 102 men, 74 women, and 240 children, at this establishment, will be 2,941*l.*

Taking, as we have already done, the average pension at 9½*d.* per diem, the yearly charge for 102 men would be 1,474*l.* a year. The difference, therefore, between these sums, or 1,467*l.*, is the excess of providing for this number of pensioners at Penetanguishine over the cost of their pensions.

We have seen that the total number is expected to be 537, and we have accounted for the disposal of 302; of the 235 remaining, many would be induced, we believe, to return to their lands on the promise of 6*d.* a day until they are enabled to subsist without it, or with less, and of this the inspecting officer would judge.

Having stated in the Report that there were at Penetanguishine, a commissariat, a military and medical officer, it may seem almost superfluous to point out, that these gentlemen should be directed to send monthly statements of the condition and conduct of the men and their families to Mr. Hawke, for the inspection of the Lieutenant-Governor.

Public notice should be given to all the commuted pensioners, that those who refuse, within a given time, either to settle upon their lands, or to join the establishment at Penetanguishine, shall forfeit all claim to the assistance of the Government.

The 28 pensioners on the separate list, and other claimants, whose titles cannot be traced, must substantiate their own claims at military stations, where boards of officers can be found to investigate them, either by the production of papers, by reference to those with whom they have served, &c. The boards will record their proceedings and transmit them to the Lieutenant-Governor.

The only way in which we can account for the discrepancy between Sir George Arthur's return, and the verified list, is by supposing that the magistrates have been imposed upon by old soldiers.

Feeling, as it is our duty, high respect for the views of the Treasury Letter, and every disposition to realize them, we regret that, having bestowed our best attention on the subject, we are unable conscientiously to coincide with them. A happy combination of circumstances presented themselves at Penetanguishine, to execute the scheme of giving only temporary assistance to the pensioners, had we deemed it practicable. But the permanent inability of the commuted pensioners established, and likely to be established there, to shift for themselves, has compelled us unwillingly to recommend a permanent support. All which is most respectfully submitted.

R. J. BARON, Major Royal Engineers, President.

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Enclosure 2, in No. 9.

Executive Council Chamber, Thursday, 4th July, 1839.

PRESENT:

The Hon. Robert Baldwin Sullivan, Presiding Councillor.  
 The Hon. William Allan.  
 The Hon. Augustus Baldwin.

To His Excellency Sir George Arthur, K.C.H., Lieutenant-Governor of the province of Upper Canada, Major-General commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

IN obedience to the commands of your Excellency, the Executive Council respectfully offer the following remarks upon the report of the Board assembled for the purpose of considering the despatch of Her Majesty's Secretary of State for the Colonies.

The Council believe the statement of facts furnished by Mr. Hawke to the Board, to be founded upon a most careful investigation and great practical knowledge, and that they may be assumed as correct.

The commutation of the pensions of old soldiers, for the purpose of enabling them to proceed to a country where land could be granted them, and where they might provide for their wants by their own industry, had the appearance of a plan calculated to produce the greatest benefits to the pensioners themselves and their families.

It was, however, altogether fallacious, and it is now useless to theorize upon the subject, because it has been practically found that men who have acquired the habit of having their daily wants supplied without their own interference, are not equal to the steady course of provident industry which a settlement in the woods renders necessary. The habits of life acquired in the course of long military service, and the physical debility produced thereby, as well as loss of limbs and severe wounds, are equally opposed to the success of these unhappy persons, so that it is not surprising that they have been generally reduced to the state of extreme destitution which called for the benevolent interference of the Government in their behalf.

The appropriation of lands to commuted pensioners has proved from these causes useless to the grantees, and being apparently a part of the consideration for the commutation of their pensions, it could not be denied to the claimants, however disabled they were from making any use of their grants. It seemed almost a mockery to require the residence of maimed and disabled pensioners in the woods, where they would undoubtedly perish for want; and they have accordingly used every endeavour to evade regulations requiring settlement, and to turn the portion of land assigned to them into a present means of subsistence, or expenditure for bad purposes.

The Council felt much disappointed at finding the establishment at Penetanguishene not succeed. The pensioners are there congregated with their families; they have small portions of ground allotted to them, out of which the Council would have supposed they could have drawn their chief subsistence. The opportunity of fishing was also a means of providing for their wants which would appear particularly adapted to their habits and capabilities; but it seems that the Penetanguishene settlement has succeeded as badly as the location of the pensioners upon scattered lots of land.

It appears that very few of the pensioners can be induced to exert themselves for their own support, and the Council fear no means can be devised which will either force or persuade them to do so.

It seems to the Council that, by reason of their long services, and of the recognition of their claims for maintenance in their old age, which took place when they were allowed their pensions, that the Government have become so connected with them that they cannot now be cast off. The burden of failure of the plan of emigration cannot fall upon them, for they cannot bear it—if the failure of the plan has left them destitute, they cannot be left to starve; and the question now arises, in what manner they shall be assisted, and not whether aid shall be afforded them.

The Council are of opinion, with the Board, that the issue of daily rations, in cases of absolute destitution, is impracticable; and that any attempts to carry it into effect must be speedily abandoned.

The Council think also, that the principle of aiding those only who cannot, or will not, keep themselves, has a very bad tendency, which the Council will endeavour to demonstrate.

They suppose the cases of two pensioners, one of whom endeavours, with the assistance of his family, to provide so far as he can for his own wants; another who incapacitates himself from doing so by drunkenness and idleness.

In both cases the aid afforded is just sufficient to support nature. The industrious pensioner has no individual benefit from his industry, and the idle one suffers no privations in consequence of his idleness.

The inducements held out by this mode of relief are directly opposed to individual exertion on the part of the pensioners. The more perfect the state of destitution they can exhibit, the more continual and regular must be the aid afforded. The claimant neglects his land, because the possession of a small clearing deprives him of his Government allowance; he sells his cow, and leaves his crops unplanted, because the possession of a cow or a few potatoes will disqualify him from obtaining Government aid; all attempts to advance his condition, or that of his family, to any degree of comfort, are avoided, because *beggary* is the qualification under which he claims—even the catching a few fish shows a power of saving himself from starvation, and lessens or deprives him of his daily return.

There are some of the pensioners who are, from wounds and infirmities, wholly unable to



provide for themselves, or even to assist in their maintenance, and for these the Penetanguishene Establishment is perhaps necessary, because it is only by means of a collection of the individuals supported by the Government that proper supervision can be exercised, and abuse of the assistance given prevented. But as respects all those pensioners who occupy their lands, or use any means of procuring a livelihood by their own exertions, the Council are of opinion that a certain pecuniary allowance would be the most simple and beneficial mode of aiding them.

For the sake of the families of the pensioners, the Council do not think that the Penetanguishene establishment ought to be extended; scattered through the country, the children would mix with the population, and grow up with habits of industry, which it is feared much they are now excluded from acquiring; and the habits of idle, old soldiers are not those which their children can adopt with any benefit to their future prospects.

The system of making a certain pecuniary allowance to the pensioners scattered throughout the province would no doubt be open to abuse; but it would, in many cases, produce beneficial results, not to be derived from any other mode of relief; it would enable such of the pensioners as are prudently or industriously disposed to gain a state of comfort which they cannot attain from their own exertions; it would enable them to procure assistance in the cultivation of their farms, or aid them in the means of support which they may adopt in the towns and villages.

His Excellency is aware that the advances from the crown revenues of the province in aid of the commuted pensioners were made under the pressure of urgent necessity; for the present the course recommended by the board would probably be the most feasible; so as to transfer the expenditure at once to the military chest. But as a permanent measure, the Council are of opinion, for the reasons above expressed, that the system of visiting settlers and proportioning the aid to be afforded to the necessities of the individual claimants, will not be found to answer.

All which is respectfully submitted.

(Signed) R. B. SULLIVAN, P. C.

NOTICE TO COMMUTED PENSIONERS.

Emigrant Office, Toronto, 15th July, 1839.

Commuted pensioners who, previously to obtaining their pensions, have served for seven years and upwards, are informed, that in order to relieve the pressing wants of all persons of that class who, from age, wounds, or infirmities, are incapable of labour, with as little delay and inconvenience to the parties as possible, the following temporary arrangements have been made:—

All persons labouring under the above disabilities, and whose names are on the list transmitted from the Home Government, and all others who can satisfactorily prove that they have commuted their pensions, and that they are in the condition as above described, will, on application to the gentlemen whose names are placed underneath their respective districts, receive assistance, in advance, for twenty-eight days from the date of application, at the following rates, viz.:—

Two-thirds of an ordinary soldier's ration for the men, without wine or spirits;—one half of a ration for their wives; one-third of a ration for children above seven and under 14 years of age; and one-quarter of a ration for children under that age.

In order to give as little trouble as possible to those gentlemen who do not belong to the commissariat department, the following calculations have been made for their guidance.—

28 days' allowance to each man amounts to 18 lbs. 11 oz. of meat, and 14 lbs. flour.

28 " " woman, 14 lbs. meat, and 10½ lbs. flour.

28 " " child between 7 and 14 years of age, 9 lbs. 5 oz. meat, and 7 lbs. flour.

28 " " child under 7 years of age, 7 lbs. meat, and 5½ lbs. flour.

WESTERN DISTRICT.

Wm. Jones, Esq., Port Sarnia.  
Commissariat Officer, Chatham.  
Commissariat Officer, Amherstburgh.

LONDON DISTRICT.

Commissariat Officer, London.  
The Rev. D. Blake, Adelaide.  
H. C. Barwick, Esq. Woodstock.

GORE DISTRICT.

William Richardson, Esq. Brantford.  
Commissariat Officer, Hamilton.

NIAGARA DISTRICT.

Commissariat Officer, Niagara.

HOME DISTRICT.

Commissariat Officer, Penetanguishene.  
Frederick Dallas, Esq., Orillia.  
Elmes Steele, Esq., Medonte.  
Sidney M. Sandford, Esq. Barrie.  
Charles Scadding, Esq., Newmarket.  
Commissariat Officer, Toronto.

NEWCASTLE DISTRICT.

Benjamin Throop, Esq., Cobourg.  
Alexander McDonell, Esq., Peterborough.  
Thomas Need, Esq., Bobcaygen Falls.

MIDLAND DISTRICT.

Philip Ham, Esq., Belleville.  
Commissariat Officer, Kingston.

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 Normanby.  
 July 29, 1839.  
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## JOHNSTOWN DISTRICT.

Benjamin Tett, Esq., St. Francis.  
 W. J. Scott, Esq., Prescott.

## BATHURST DISTRICT.

Roderick Matthieson, Esq., Perth.  
 George Lyona, Esq., Richmond.  
 Commissariat Officer, By Town.

## OTTAWA DISTRICT.

Thomas Hall Johnston, Esq., L'Orignal.

## EASTERN DISTRICT.

Commissariat Officer, Cornwall.

A. B. HAWKE, Chief Emigrant Agent for Upper Canada.

Encl. 3, in No. 9.

Enclosure 3, in No. 9.

(Circular.)

SIR,

Emigrant Office, Toronto.

HER Majesty's Government having authorized relief to be afforded to such of the commuted pensioners who, previously to obtaining their pensions, have served for seven years and upwards, and who are in a state of destitution, I take the liberty to forward to your address the accompanying printed notices, which you will have the goodness to circulate in those parts of your district, which will be most likely to meet their notice.

As the measure is of a temporary character, and as it would be impossible to carry the benevolent intentions of the Government into immediate effect without the co-operation of gentlemen residing in the immediate vicinity of the parties to be relieved, I trust you will excuse the liberty which has been taken, in making use of your name without first obtaining your consent to act.

Enclosed I send you a printed list of commuted pensioners transmitted from the home Government. As to these names you will have only to inquire whether the parties are in such a state of destitution as to require relief, and afford it accordingly.

As to other persons who may claim relief before it is afforded, the applicant should be called upon to produce his printed papers, and in the event of his being unable to do so, he should be required to go before a magistrate, and state under oath—the number of the regiment in which he last served,—the date of his discharge,—length of service and rate of pension,—and the date and amount of his commuted allowance, as well as the number of persons his family consists of (with the age of each child); and on his producing an affidavit containing these particulars, you will have the goodness to relieve him to the extent authorized, provided you are satisfied that his circumstances render such relief necessary.

In order to save you the trouble of making out receipts, I have sent you herewith printed forms, to be executed in duplicate; and whenever you require the repayment of the amount advanced, you will please send these receipts to this office for examination and payment.

I have the honour to be, Sir,

Your most obedient humble servant,

To





No. 10.

(No. 187.)

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR, K.C.H.,  
to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 11th September, 1839.

No. 10.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
September 11, 1839.

I HAVE much pleasure in transmitting for your Lordship's perusal the accompanying copy of a letter from Lieutenant Rubidge, reporting his success in disposing of the emigrants, 181 in number, who were lately sent out from Ireland under his superintendence by Colonel Wyndham.

I have reason to believe that nothing in Mr. Rubidge's letter is overstated; and I need not point out to your Lordship the advantage that would accrue to this province from the continued accession to its population of bodies of emigrants so well-conducted as those whom Mr. Rubidge has introduced.

Colonel Wyndham has relieved his estates from a superabundant population; and thus, whilst I hope he has benefited himself, he has rendered the greatest service to these poor people.

As an encouragement to other large landed proprietors to imitate Colonel Wyndham's example, I have been anxious to bring this case particularly under your Lordship's consideration; and I cannot refrain from repeating my earnest hope that the promotion of *colonization* to these provinces, on an extensive scale, will, at an early period, engage not only the serious attention of Her Majesty's Government, but be rendered a practical measure: for each day's experience tends to confirm me more strongly in the belief which I have long entertained, that as a means to the great end of cementing the present connexion between the mother country and the colony, this would be found the surest and most effectual.

I have the honour to be, my Lord,

Your Lordship's most obedient, humble servant,

GEORGE ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

Enclosure in No. 10.

Encl. in No. 10.

SIR,

Toronto, 26th July, 1839.

I BEG leave to inform you, for the information of his Excellency Sir George Arthur, that I have succeeded in disposing of the emigrants sent out by Colonel Wyndham under my superintendence. As I am aware of his Excellency's paternal desire to promote the establishment of these poor people in situations enabling them to earn their own living, it will, I am sure, afford his Excellency great pleasure to be informed of the complete success of this undertaking. I will briefly state that 181 souls, of the description mentioned in the margin, were embarked on board the ship *Waterloo*, George Robinson, master. This ship was 414 tons burthen, fitted up and found with stores and provisions of the best description by the Ennis Emigration Committee acting for Colonel Wyndham. The whole of these people were tenants of Colonel Wyndham, in the counties of Clare and Limerick. On the night of the 28th of May we sailed from the Shannon, and arrived at Grosse Isle the 31st of June; here we were not detained one moment beyond the time it took to muster the people. On the evening of the 1st instant we left Quebec for Montreal, and were from thence conveyed by the *La Chine* and Rideau Canals to Kingston, and the same evening on to Cobourg, where we landed early on Tuesday morning the 9th instant. In three days from this time, every individual capable for work was hired, the men at 2*l.* 10*s.* per month, boarded and found, the women at 1*l.*, also boarded and fed. From the time of sailing till out of my charge no sickness or accident occurred. By the birth of two children the number was increased to 183 souls. Colonel Wyndham spared no expense to secure the health and comfort of these people; the doctor's services were continued for two days after they were landed at Cobourg; and in our way up the country his services were at my request given gratis to a numerous body of emigrants in a sickly state on board other barges. In six weeks are 183 destitute individuals placed in comparative prosperity by the humane benevolence of one gentleman. Permit me to report for his Excellency's information, that I have had written and personal applications for the services of four times the number of people I brought out. The conduct of these people coming up the country deserves to be noticed,—they were sober, cleanly, peaceable, and obedient. Not one left without my consent.

S. B. Harrison, Esq.,  
&c. &c.

I have, &c.,  
(Signed) CHAS. RUBRIDGE.

27 heads of families,  
numbering 153 souls;  
14 young men, 94  
young women.



No. 11.

(No. 190.)

COPY of a DESPATCH from Lieut.-Governor Sir GEO. ARTHUR K.C.H., to the Marquis of NORMANBY.

MY LORD,

Government House, Toronto, 14th Sept., 1839.

WITH reference to my despatch to your Lordship, of the 8th June, No. 135, I have the honour to transmit herewith a general tabulated abstract of the returns, showing the religious census of the population of Upper Canada, which have been received from the clerks of the peace of the various districts of the province, in accordance with a requisition of the House of Assembly.

In transmitting this document, it would have been satisfactory to me to have been able to express my confidence in the correctness of its details; but I regret to state that the imperfections of the returns from which they have been compiled are such as must altogether invalidate them as statistical data for any safe deductions.

It will at once be apparent to your Lordship that these returns exhibit three material defects:

1st. The general want of uniformity pervading them as regards sectarian divisions of particular denominations.

2d. The incredible relative disproportions between the details for the various districts, as compared with one another, and considered with reference to the entire district community.

3d. The great and striking deficiency between the aggregate of the different religious denominations, and that of the entire population of the province, as instanced more particularly in the cases of the Midland, Home, Gore, Talbot, and Western districts.

The first defect is best accounted for by the circumstance of no sufficiently precise form of return having been prescribed by the House of Assembly, to the want of experience of the returning officers in matters of this nature, and to the inadequate value which was probably attached to the compilation, notwithstanding the repeated injunctions of the Government.

The second defect is readily explained by the acknowledged fact, that in many instances the returns comprise the number of *families* of any particular religious persuasion, and in others the number of individuals, without, however, such discrepancies being in any case so pointed out as to admit of their being rectified.

The third defect may be, in part, though perhaps not wholly explained by the observation applicable to the second; and the only means of solving the difficulty presented by the difference of numbers, would seem to be by dividing the deficiency, amounting to nearly a sixth part of the population, among the chief denominations, according to the proportions which they severally bear to each other, as they at present stand.

The large proportion of persons who appear in the returns as professing no religion, must be viewed, I fear, as a lamentable and distressing result of the sectarian disagreements that have agitated this community for so many years past, and be further traced to the consequent want of adequate religious instruction generally.

To an extent, however, it may probably be referred to carelessness on the part of the officers who were required to ascertain the religious sentiments of the parties, or, to what is no less likely, the refusal of many of the parties themselves to avow them.

For these considerations, my Lord, I feel that I cannot safely recommend the present document as exhibiting more than an approximate estimate of the numbers of the various religious bodies into which this community is divided; and as such, in the absence of more authentic information on the subject, I trust that it may not prove altogether useless to Her Majesty's Government.

Considering the present state of the question respecting the clergy reserves, the imperfections in the returns now furnished are much to be regretted; but as they are so conspicuous, it is to be hoped that the Provincial Legislature will see the propriety, in the ensuing Session, of devising means to insure greater accuracy in similar returns in future.

I have the honour to be, my Lord,

Your Lordship's most obedient humble servant,

The Marquis of Normanby,

GEO. ARTHUR.

&c. &c. &c.

No. 11.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
Sept. 14, 1839

For Sir G. Arthur's  
Despatch, 8th June,  
No. 135, *vide* Papers  
ordered by the House  
of Lords to be printed  
26 Aug. 1839, No. 191,  
p. 26.  
Ditto ditto, by the  
House of Commons,  
15th Aug. 1839, No.  
537, p. 26.

## CORRESPONDENCE RELATIVE TO THE

Enclosure in No. 11.

GENERAL NUMERICAL RETURN of the several Religious Bodies in Upper Canada, founded on the Returns of the Clerks of the Peace, so far as they have been made for the Year 1839.

Districts.	Church of England.	METHODISTS.						PRESBYTERIANS.			
		British Connexion.	Episcopal.	Canadian Wesleyan.	Primitive.	Under the general term of Methodists without distinction.	Total.	Church of Scotland.	Seceders from the Church of Scotland.	Under the general term of Presbyterians without reference to Sects.	Total.
Eastern . . .	4,281	1,792	74	..	..	..	1,866	11,293	..	..	11,293
Ottawa . . .	1,561	745	58	..	..	..	803	2,428	..	..	2,428
Johnstown . .	10,374	3,820	1,843	259	..	..	5,922	1,244	4,453	..	5,697
Bathurst. . .	7,671	..	..	..	..	1,802	1,802	..	..	8,933	8,933
Prince Edward .	2,354	3,806	1,862	343	..	..	6,011	383	..	925	1,308
Newcastle . .	10,017	..	..	..	..	6,863	6,863	8,851	..	..	8,851
Midland. . .	2,739	2,943	2,017	..	..	668	5,628	691	1,379	..	2,070
Home, including City of Toronto }	18,013	..	76	..	119	8,507	8,702	1,485	760	10,884	13,129
Niagara . . .	4,102	641	444	8	6	4,073	5,172	96	..	3,682	3,780
Gore . . .	6,141	4,975	2,175	..	..	..	7,150	6,246	..	4,007	10,253
Talbot . . .	353	166	425	355	..	..	946	43	4	238	285
London . . .	9,184	3,445	2,195	1,839	..	..	7,479	4,674	622	2,979	8,275
Western . . .	2,964	..	..	..	..	2,744	2,744	2,081	..	..	2,081
Total .	79,754	22,333	11,169	2,804	125	24,657 (a)	61,088	39,517	7,218	31,648 (b)	78,383

Districts.	ROMAN CATHOLICS.	BAPTISTS.					MISCELLANEOUS.					
		Returned under the general term of Baptists without reference to distinction.	Open Communion.	Close Communion.	Free Will.	Total.	Independents.	Congregationalists.	Non-Conformists.	Lutherans.	Dutch Reformed Church.	Menonists.
Eastern . . .	9,200	434	..	..	..	434	19	30	..	1,338	..	..
Ottawa . . .	3,315	259	..	..	..	259	..	33	35	..	..	..
Johnstown . .	3,985	794	..	..	..	794	14	19	..	..	..	..
Bathurst . . .	5,509	264	..	..	..	264	..	2	..	..	..	..
Prince Edward .	1,097	220	..	..	..	220	71	98	..	21	..	..
Newcastle . .	4,144	1,472	..	..	..	1,472	85	..	..	..	..	..
Midland. . .	1,918	404	..	..	..	404	18	5	..	231	..	..
Home, including City of Toronto }	4,591	1,323	..	..	..	1,323	558	516	..	456	..	851
Niagara . . .	981	974	..	..	..	974	8	..	..	422	44	1,615
Gore. . .	2,301	..	..	..	..	..	..	..	..	..	..	..
Talbot . . .	52	..	87	941	10	1,038	2	21	18	37	..	36
London . . .	1,868	..	1,258	2,851	638	4,747	223	272	..	9	..	175
Western . . .	4,068	1,039	..	..	..	1,039	..	..	..	..	..	..
Total .	43,029	7,183	1,345	3,792	648	12,968 (c)	998	996	53	2,514	44	2,677

(a) Of these a certain proportion must be considered as belonging to each of the other four divisions.

(b) This column includes no doubt a large proportion of members of the Church of Scotland, requiring to be added to the special aggregate of that Church, in the first column.

(c) The remark applicable to column marked (a) applies also here.



General Numerical Return of the several Religious Bodies in Upper Canada, founded on the Returns of the Clerks of the Peace, so far as they have been made for the Year 1839—*continued*.

Districts.	MISCELLANEOUS.											
	Tunkers.	Moravians.	Quakers.	Society of Peace.	Universalists.	Restorationists.	Unitarians.	Latitudinarians.	Deists.	Free Thinkers.	Irvingites.	Reformers.
Eastern . . . . .	..	..	14	..	25	..	..	..	..	..	..	..
Ottawa. . . . .	..	..	8	..	34	..	..	..	..	..	..	..
Johnstown. . . . .	..	..	357	..	113	..	..	..	17	..	..	..
Bathurst . . . . .	..	..	27	..	19	..	28	..	5	..	37	..
Prince Edward . . . . .	..	..	1,060	..	..	10	..	..	..	2	..	..
Newcastle . . . . .	..	..	595	9	190	1	..	6	..	55	..	9
Midland . . . . .	..	..	168	..	64	..	..	..	5	2	..	7
Home, including City of } Toronto . . . . . }	545	7	871	..	28	..	16	..	..	..	146	..
Niagara . . . . .	316	..	480	5	45	..	4	..	4	24	..	4
Gore . . . . .	..	..	..	..	..	..	..	..	..	..	..	..
Talbot . . . . .	7	..	22	..	28	..	..	..	..	..	..	..
London . . . . .	57	..	1,119	..	99	7	..	..	..	30	..	..
Western . . . . .	..	..	57	..	..	..	..	..	..	..	..	..
Total . . . . .	925	7	4,778	14	645	18	48	6	31	113	183	20

Districts.	MISCELLANEOUS.							Total Religious Denominations.	Total Population according to Returns of 1839.
	Christians.	Bible Christians.	Disciples.	Mormans.	Other Denominations.	No Profession.	Liberators.		
Eastern . . . . .	..	..	..	29	..	308	..	1,763	28,837
Ottawa. . . . .	7	..	..	..	..	..	..	117	8,483
Johnstown . . . . .	2	..	..	71	..	5,299	..	5,892	32,664
Bathurst . . . . .	..	..	..	77	..	258	..	453	24,632
Prince Edward . . . . .	67	..	220	..	..	..	..	1,549	12,539
Newcastle . . . . .	564	270	21	76	..	1,917	..	3,798	35,145
Midland . . . . .	8	..	..	10	..	780	..	1,298	14,057
Home, including City of } Toronto . . . . .	557	..	..	66	211	2,986	..	7,814	53,572
Niagara . . . . .	76	..	95	..	..	10,847	..	13,989	28,998
Gore . . . . .	..	..	..	..	6,243	4,475	..	10,718	36,563
Talbot . . . . .	..	..	..	..	..	..	..	171	2,845
London . . . . .	27	..	..	4	..	7,336	35	9,393	40,946
Western . . . . .	..	..	..	..	..	554	..	611	13,507
Total . . . . .	1,308	270	336	333	6,454	34,760	35	57,566	332,788

## SUMMARY.

Church of England . . . . .	79,754
Methodists (of all denominations) . . . . .	61,088
Presbyterians do. . . . .	78,383
Roman Catholics . . . . .	43,029
Baptists (of all denominations) . . . . .	12,968
Miscellaneous . . . . .	22,806
No Profession. . . . .	34,760

Total . . . . . 332,788

Deficiency as compared with the entire population being nearly one-sixth . . . . . 67,558

400,346

No. 12.

(No. 195.)

COPY of a DESPATCH from Lieutenant-Governor Sir G. ARTHUR, K.C.H., to the Right Honourable the Marquis of NORMANBY.

No. 12.  
Sir Geo. Arthur  
to the Marquis of  
Normanby.  
25th Sept. 1839.

MY LORD,

Government House, Toronto, 25th September, 1839

I ANXIOUSLY awaited the arrival of the steam-ship Great Western, in the hope that, with the other despatches which have reached me by that vessel, I should have received one containing an intimation of the views of Her Majesty's Government, on the subject of the financial difficulties of this province, respecting which I had the honour to report to your Lordship, in my despatch, No. 131, of the 8th of June last, in connexion with the consideration of certain reserved Bills having reference to questions of finance.

As I propose to call the Provincial Parliament together early in the month of January, and the present is, consequently, the latest opportunity I shall have of communicating with your Lordship so as to receive from you a reply previously to their meeting. I trust that your Lordship will not consider me importunate in drawing your attention to the very embarrassing situation in which I shall be placed, if I be unable to convey to the Legislature any definite information in regard to the very important matters to which I have referred.

Since last addressing your Lordship on this subject, I have seen no reason to alter the opinions which I then expressed: on the contrary, subsequent occurrences have tended to confirm me more strongly in them, on the most material points.

The financial embarrassments that are now felt in the several States of the American Union, and the suspension there of many of the public works, are circumstances which seem to have convinced, at length, the American citizens that they may speculate *too rapidly* in such undertakings. I trust that the mischief experienced in the United States, in this respect, may exercise on the people of Upper Canada, a salutary influence, and prove to them the necessity of making in future special provision for the payment of the interest on the public debt as it is incurred.

I have lately seen Colonel Phillpotts, of the Royal Engineers, who has been engaged in inspecting the Welland Canal, and I have the honour to transmit herewith a copy of a short report which he has made to me with reference to his proceedings. Your Lordship will perceive that Colonel Phillpotts is strongly of opinion that the Welland Canal should be opened on the same scale of magnitude as the St. Lawrence Canal.

The population of those Western States is increasing with extraordinary rapidity. They are already consumers of manufactured goods to a very large amount, and may be expected, at no distant period, to raise from their territory agricultural produce infinitely beyond what they can require for their own consumption.

It is thus evident that their commercial interests, like those of the Southern States, will eventually become separate from those of the Eastern manufacturing States; and that the high protecting duties imposed on British manufactured goods, will prove, each day, more obnoxious to them.

If our communications with the ocean, for which we have natural advantages far beyond any possessed by the United States, were improved, so as to render the transport of goods by way of the St. Lawrence very much cheaper than that by the American canals, it cannot be doubted but a considerable portion of the import and export trade of the great western regions would pass through Canada.

On this hypothesis, British trade would be increased to a very great extent, and the cost of Canadian canals, or their reimbursement of expenditure by means of tolls, would cease thenceforward to be of very material consequence, in comparison with the more important results that would be attained by the encouragement of the national industry.

The transit of the export trade of these states, or even a portion of it, through the canals of Canada to the ocean, would seem, almost alone, calculated to insure the reimbursement of the expenditure necessary to render them available for these great objects.

I am convinced, therefore, that the completion of the internal communications of Canada, *by the nation*, would be really conducive to British interests; and although



such a trade as I have endeavoured to represent, passing through this province, would confer very great benefits on its inhabitants, it would confer still greater on the British people.

The great public works of Canada were perhaps undertaken to an imprudent extent; but having been commenced, their completion is an object of paramount importance, for the two-fold consideration that the heavy sums which have already been expended on them must otherwise be lost, leaving the province still liable for the debt incurred; and that what is now a cause of deep anxiety and pressing difficulty to the colony may be converted, by a further outlay, into a source of national and provincial prosperity.

Even were the national credit to be extended in aid of Upper Canada, for the attainment of this great object, the people, I am satisfied, would cheerfully submit to the *commercial taxation* necessary to secure the money that might be advanced for the public benefit, and would apply themselves with zeal to the completion of their former undertakings.

I urge this so strongly, because I perceive almost daily, that all classes of the people view with feelings of impatience, amounting to irritation, the great waters of the province almost useless under existing circumstances, for the important purposes to which they might be applied in commanding an extensive and lucrative commerce.

I feel a perfect confidence that Her Majesty's Government will do what they can in this all important matter at this interesting crisis, either by making the great works of Upper Canada a national undertaking, or by assisting the country, with the credit of the Imperial Government, so as to enable the Provincial Legislature to carry them on, and at the same time free the country from that pecuniary pressure which, without assistance, must terminate in colonial bankruptcy.

I have the honour to be, my Lord,  
Your Lordship's most obedient, humble Servant,  
GEORGE ARTHUR.

The Marquis of Normanby,  
&c. &c. &c.

No. 12.  
Sir Geo. Arthur,  
to the Marquis of  
Normanby.  
Sept. 25, 1839.

(Extract.)

Enclosure in No. 12.

SIR,

Toronto, 12th September, 1839.

IN reply to your letter of the 12th instant, written by direction of his Excellency the Lieutenant-Governor, requesting information as to the state in which I have found the Welland Canal, the extent of the present and probable trade through it, the scale upon which I propose to recommend that this work should be executed, and the estimated expense, I have the honour to acquaint you that although the Welland Canal is now open for navigation, and by constant watching it may by great care and attention be kept passable for some time longer, it is quite impossible for any one in its present state to ensure its being kept open for any length of time, or indeed to say how soon it may become altogether impassable.

The locks having been built of wood about 12 years ago, many of them are now become so completely rotten that they are liable to give way at any moment, and it has already happened during the present summer, that at two different periods of about 10 or 12 days each, this canal has necessarily been closed in order to repair some of them which had become impassable. On the latter occasion, which occurred while I was there, about 40 large schooners were collected on the canal waiting to proceed. The banks also in many places require to be raised and strengthened, and put in a proper state of repair as soon as possible.

With regard to the extent of the probable trade through this canal, I am unable at this moment to give a correct idea of it; but I am collecting a mass of very interesting information on this subject, which I propose to annex to the Report which I am preparing for his Excellency the Governor-General on the Inland Navigation of these provinces. I find that the tolls on the Welland have increased annually since it has been opened, and by a comparison of the returns of last year with those for the corresponding months of the present season, I have no doubt that if the navigation had not been interrupted during the time above alluded to, the amount received this year would have been nearly double that of last year; and from the nature of the trade, and the vast tract of country which will necessarily transmit its surplus produce by this channel to the Atlantic Ports, I am quite confident that it will very far exceed the expectations of any persons who have not visited the Western states, viz., Ohio, Michigan, Missouri, Illinois, Indiana, Kentucky Tennessee, and the territories of Wisconsin and Iowa. I have recently visited Cleveland, and the river Miamis at the head of Lake Erie, for the purpose of ascertaining the correctness of the information I have received on this subject.

By the instructions given to me by the Earl of Durham, a copy of which I transmitted to his Excellency Sir George Arthur some time since, I am directed to assume the size

Encl. in No. 12.

No. 12.  
Sir George Arthur  
to the Marquis of  
Normanby.  
September 25, 1839  
Encl. 1, in No. 12.

of the St. Lawrence canal at Cornwall as the scale upon which this most important communication shall be completed, and I am quite sure that any reduction in this scale would be most injurious to the best interest of these provinces both in a military and commercial point of view.

With regard to the estimated expense of the work, I am unable at present to say what the total amount will be, as I have not yet had time to make up all the necessary calculations. I have, however, taken all the rough notes and memoranda required for the Welland, and I am inclined to believe that to put the whole work into a complete, permanent and proper state, with locks for large steamers, having the chamber 200 feet long, 53 feet broad, with 9 feet of water on the mitre cill, will require from 700,000*l.* to 800,000*l.* sterling; but I am not at present able to speak positively respecting it. I am preparing a very full Report, in which I propose to enter at large into the whole subject, and I am using every exertion in my power to have all the necessary plans, estimates, &c., completed and ready for delivery to his Excellency the Governor-General, in time to enable him to transmit them to England before the next session of the Imperial Parliament.

I have the honour to be, &c.,

(Signed)           GEORGE PHILLPOTTS,  
Captain Royal Engineers and Lieutenant-Colonel.



C A N A D A.

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CORRESPONDENCE

RELATIVE TO THE

A F F A I R S   O F   C A N A D A.

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PART IV.

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Presented to both Houses of Parliament by Command of Her Majesty.

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LONDON:

PRINTED BY W. CLOWES AND SONS, STAMFORD STREET,  
FOR HER MAJESTY'S STATIONERY OFFICE.

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1840.





## SCHEDULE.

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From Lord John Russell and the Right Hon. C. Poulett  
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COPIES or EXTRACTS of CORRESPONDENCE relative to the Affairs of  
CANADA.

From Lord John Russell and the Right Honourable  
C. Poulett Thomson.

No. 1.

(No. 26.)

EXTRACT of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord  
JOHN RUSSELL.

Toronto, 18th January, 1840.

I HAVE had the honour to receive your Lordship's Despatch of the 18th October, No. 22, calling my attention to the emigration lately effected from Ireland by Col. Wyndham, and desiring me to report to you my opinion as to the manner in which arrangements may be most advantageously made for encouraging the resort to this country of emigrants from the United Kingdom, and for employing them when here.

Before proceeding to answer your Lordship's inquiries, I thought it necessary to ascertain the present state of the emigrants from Col. Wyndham's property, after an experience of a few months in this province, and I accordingly desired Mr. Hawke, the emigrant agent, to make inquiry respecting them. I enclose for your Lordship's information copies of Mr. Hawke's reports.\*

You will perceive that of the emigrants in question all, except three, have left Upper Canada for the United States.

This circumstance is attributed by Mr. Hawke to the absence in this country of any public works on which emigrants might, on their first arrival, be employed. In this opinion I concur to a very great extent; but essential as emigration is to this country (and no one can be more fully persuaded of its importance than I am), it is impossible in the present state of the provincial finances to undertake any great public works, or even to continue those which have been commenced. For the present, therefore, it is, I fear, impossible to make any arrangements to increase this description of inducement to emigration; but when the union of the provinces shall be completed and the financial embarrassments of Upper Canada thereby removed, there can be no doubt that a great stimulus will be given to public improvements, and that corresponding advantages will be held out to emigrants from the United Kingdom.

Mr. Hawke next alludes to another mode by which the settlement of emigrants may be promoted, to which I attach also the utmost importance, namely, the allotment of small portions of land to them on their arrival. Experience in this province has shown that no more effectual means can be resorted to for establishing a well-conditioned and well-affected British population in a state of great comparative comfort.

Emigrants thus disposed of obtain a home and a footing in the province; they acquire by experience in the course of one or two years, and by labour on their own

No. 1.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
18th January, 1840.

For Lord John  
Russell's Despatch,  
18th October, No.  
22, *vide* Corres-  
pondence relative  
to the Affairs of  
Canada, 1840,  
part i. p. 16.

\* See further Despatches, Nos. 3 and 6, pp. 13 and 18.

No. 1.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
18th January, 1840.

land, that practical skill in work peculiar to this country which is essential to success; and not being possessed of land sufficient to occupy their whole time or to tempt them to extend cultivation beyond their means, they bring their labour into the market in the neighbourhood in which they are settled, to the great benefit of the district, and of those who can afford to expend capital in labour. But in order to promote the settlement of emigrants in this way, previous expenditure is also required; and here again the means are at present wanting in this province. In fact it is to public works and to settlement of this description, or better still, to both combined, that I feel satisfied we must apply ourselves in order to obtain beneficial emigration; but I shall refrain from enlarging at this time upon this most important subject. It will be my duty to bring it at large under your Lordship's consideration, for I am confident that the welfare of these provinces, and their permanent connexion with the parent state, depend in a great measure upon the adoption of a plan, even though it should be attended with some pecuniary sacrifice in the first instance, by which facilities may be afforded for the settlement within them of emigrants from the United Kingdom.

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Enclosure in No. 1.

(Copy.)

SIR,

Emigrant Office, Toronto, 31st December, 1839.

Encl. in No. 1.

IN obedience to the commands of His Excellency the Governor-General, communicated to me on the 17th instant, to furnish him with a report, pointing out, as far as I am able, in what manner the emigrants sent out by Col. Wyndham during the last summer were employed on their arrival in Upper Canada—what is their present condition, as well as what portion of them remain in this province or have left for the United States—I have the honour to state, that in order to furnish the information required, I was obliged to address letters to Mr. Rubidge, who superintended the emigration in question, to Mr. M'Donell, the Crown lands' agent for the district in which they landed, and to John Brown, Esq., J. P., merchant at Port Hope, who employed the greater part of the men belonging to the party.

I have not received any reply from Mr. Rubidge, but I have the honour to enclose the answers returned by Mr. M'Donell and Mr. Brown.

It appears from Mr. Rubidge's report that Col. Wyndham's party consisted of 27 heads of families, 14 young men, and 14 young women, besides children. Mr. M'Donell is of opinion that they, as well as many others, have left the Newcastle district for want of work, but Mr. Brown states distinctly that he gave employment to 30 men, being more than two-thirds of the adult males sent out by Col. Wyndham; that they were not contented with these wages, and that, "with the exception of *three*," they have all left for the United States.

Mr. Brown does not say whether he paid them in cash, or—what is too commonly resorted to in new countries, where the circulating medium is inadequate to the wants of the community—in trade. If in cash, the wages were higher than is commonly given; if they were paid in trade, that is, in merchandize out of his shop at current prices, they ought to have been satisfied; but it too often happens that emigrants, on their arrival, set too high a value on their services, and refuse wages which they would gladly accept of after a longer residence in America. I have made many inquiries during the past summer about these settlers, and have always received for answer, that they had left the colony. I regret that such is the case, but being satisfied that it is the fact, it is my duty to state it. Indeed, it is notorious, and has been a subject of frequent regret, that for some time previous to the late rebellion, as well as since that unhappy event, the emigration from these provinces to the States, has been very considerable. I am of opinion that it is less at present than at any former period since the spring of 1837; and if we could manage to start any of our public works, many who have left would immediately return to the province.

Mr. Brown says, "I am clearly of opinion that unless the Government give lands on the former regulations of 1818, it is only giving strength to the rebels and robbers of the United States to fetch to this country such kind of people as those brought out by Mr. Rubidge."

I fully agree with Mr. Brown, that the system of granting lands on the conditions of 1818, would have an excellent effect, and attract numerous settlers of the very best sort, viz., men who had made sufficient money to enable them to improve their lands, and to pay the patent and surveying fees required by the regulations in question (9*l.* 2*s.* 4*d.* currency on 200 acres, and 6*l.* 6*s.* 9*d.* currency on 100 acres) on receiving the patent deeds.

But I must beg to differ with Mr. Brown in supposing that, even under the most unfavourable circumstances, any class of emigrants would join the rebels on our frontier.

I have the honour to be, &c.

(Signed) A. B. HAWKE,  
Chief Emigrant Agent for Upper Canada.

Thomas W. C. Murdoch, Esq.,  
Chief Secretary.



(Copy.)

DEAR SIR,

Peter Hope, 26th December, 1839.

I have been from home lately, and only now have your favor of the 20th instant, before me, respecting the Irish emigrants brought by Mr. Rubidge. I beg to say that I gave employment to about 30 of them on their arrival here, but they were not content, although I paid them 5*l.* per month; they have all left for the United States, with the exception of three, and I am clearly of opinion, that unless the Government give lands on the former regulations of 1818; it is only giving strength to the *rebels and robbers* of the United States, to fetch to this country such kind of people as those brought out by Mr. Rubidge. Please excuse haste.

No. 1.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell,  
16th January, 1840.

Encl. in No. 1.

A. B. Hawke, Esq., Toronto.

I have, &c.

(Signed) JOHN BROWN.

SIR,

Toronto, 17th December, 1839.

In reply to the question you put to me the other day, as to the number of settlers sent out to this country by Colonel Wyndham, under the superintendence of Mr. Rubidge, that may have left the province for the United States, I stated that they had principally left for that country; I should have mentioned at the time that I spoke merely from hearsay. It is my belief, however, that but few of that party remain in the province, which indeed cannot be wondered at when we find that numbers of persons of some years residence among us have been compelled to resort to the different canals and railroads now in progress in the United States to labour for the means (not of subsistence for themselves and families) but of procuring money to enable them to pay for their lands, which their industry has rendered quite adequate to supply all the common necessities of life.

Of this class of persons many from my own neighbourhood have been under the necessity of availing themselves of the employment thus afforded; all similar improvements having totally ceased in this province.

This being the case, can it be wondered at, that a man with a family without a piece of ground to raise a potatoe on, and without the means of procuring it, could long remain unemployed.

That there exists a want of farming servants in the province, is true, but the farmer who can afford to employ them requires single men, and not such as are burthened with families.

I have, &c.

A. B. Hawke, Esq. Toronto.

A. MC DONELL.

No. 1.

(Copy.)

Emigrant Office, Toronto, 9th July, 1839.

MEMORANDUM on the Subject of locating Indigent Emigrant Families on five acre lots.

In 1833, frequent complaints were made by gentlemen residing in the neighbourhoods of Brantford, Oxford, and Cayuga, of the scarcity of labourers, and in order to remedy the evil, I obtained the sanction of the Lieutenant-Governor, to locate indigent emigrant families, on portions of the Government reserves in the vicinity of the towns above-mentioned. Lots of five acres each, were laid out, and huts erected thereon, at the Government expense, and the parties were put in possession with the assurance, that if the land was not required for the purposes for which it was originally set apart; and if they conducted themselves in a proper manner, they should not be disturbed. Upwards of 60 families were thus provided for, and I believe they have invariably done well themselves, and been of great benefit to their respective neighbourhoods.

This system must of course be acted upon to a limited extent in the settled parts of the province. It possesses many advantages, it gives the emigrant an immediate home, and as the demand for labour is irregular, he can always find employment in cultivating his lot, when he cannot get employment elsewhere.

It is an advantage to the neighbourhood, because it opens a market for labour to which any person may have recourse, whenever he is in want of a labourer. The farmers of Upper Canada do not like to hire labourers who have families. They have seldom houses to accommodate them, and it is at variance with the system generally adopted by them; which is, to engage single men, and to pay them a part of the consideration for their services, by boarding them in their families.

In 1834 and 1835, between 50 and 60 families of the same class, who arrived late in the season, and for whom labour could not be obtained, were located on similar lots in Sunnidale and Nottawasaga, and as there were no settlers in these townships who could afford to hire labourers, they were employed at the expense of the Government, in opening roads and clearing land during autumn and winter. These persons have also invariably done well, all of them have cattle, and many have saved enough to purchase 100 acres of land of the Government, which they are now improving. I am of opinion that these townships would have remained unoccupied to this hour, if the Government had not commenced settling them in the manner stated. Nottawasaga, from its superior fertility, has made greater advances than Sunnidale, but both townships have continued to advance steadily, and have more than once furnished in the hour of need, a hardy loyal set of men, for the defence of the country. From the present appearance of the crops, there is a fair prospect that these townships will have a large quantity of surplus produce to dispose of next winter.

A portion of this prosperity, is to be attributed to the liberal conduct of a gentleman, who owns a large tract in Nottawasaga, (the Honourable John M'Donald, of Gananoque) to

No. 1.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
18th January, 1840.

Encl. in No. 1.

whose public spirit, they are indebted for a grist and saw-mill, as well as for occasional advances of seed to sow their cleared land.

I have, &c.  
(Signed) A. B. HAWKE,  
Chief Emigrant Agent for Upper Canada.

Emigrant Office, Toronto, 11th September, 1839.

Since the above memorandum was written, I have seen several intelligent persons who have lately visited the settlements in Sunnidale and Nottawasaga, and they inform me that three-fourths of the settlers in Sunnidale, have abandoned their five acre locations and gone to Nottawasaga. In the memorandum alluded to, it is stated that Nottawasaga, from its superior fertility, has made greater advances than Sunnidale, but I was not aware that any settlers had left the township.

I attribute the abandonment of Sunnidale to the inferior quality of the land, and the extreme difficulty, (and at certain seasons the impossibility) of getting their grain to a grist-mill, disadvantages which the settlers in the adjoining township of Nottawasaga, are not subject to.

With reference to a plan for the extension of the system, I would beg to observe, that there is scarcely a town or village in the province, in the vicinity of which, from five to twenty-five families might not be located to advantage, if the Government had land and funds, at its disposal, for such an object.

The expense per family of five persons, would be from 7*l.* 10*s.* to 10*l.* currency, viz., building a hut 5*l.*; transport and provisions from 2*l.* 10*s.* to 5*l.* The selection of suitable families has been heretofore left to the emigrant agent.

If it should be found desirable to extend the system to the new townships, suitable lots of 200 acres each should be selected, and laid out in parcels of five acres each, and log huts erected thereon for the emigrants. But as the Government would have to supply the settlers with employment, the expense would greatly exceed similar locations near towns and villages, for the Government could not withdraw its assistance from emigrants of this class, until settlers of a better order became sufficiently numerous to afford them work. The indigent settlers in Sunnidale and Nottawasaga were employed in opening roads, so as to afford settlers with capital access to their lands.

If the settlement prospered, the Government would be repaid the amount laid out, in part at least, by the increased value which would be given to the Crown lands. The outlay should of course be confined to townships, in which the greater part of the land belonged to the Government, so that it might reap the advantages which would result therefrom. But unless there is a fair prospect of a better class of emigrants becoming settlers, the experiment of locating indigent emigrants on five acre lots in new townships, should not be tried, as it would be impossible for the Government to afford constant employment.

In the present circumstances of the country, I think it would be better to confine the settlement of indigent emigrants on five acre lots to the vicinity of the towns, in the neighbourhood of many of which, the Government have still park lots at their disposal.

(Signed) A. B. HAWKE,  
Chief Emigrant Agent for Upper Canada.

(Copy.)

No. 2.

STATEMENT showing the Number of Emigrants landed at Quebec, from 1831 to 1839, inclusive; and also the Expense incurred by this Department in Transporting, Locating, and Employing Settlers during the same period.

Years.	Number of Emigrants.	Currency Expended.
		£. s. d.
1831	50,254	5,720 16 5½
1832	51,746	18,826 18 6½
1833	21,752	2,606 1 6
1834	30,935	4,538 18 7½
1835	12,527	4,743 1 0½
1836	27,728	2,720 3 10
1837	22,343	2,973 0 3
1838	3,239	627 3 5
1839	7,261	Estimated at 557 5 3
Total .	227,785	43,313 8 11

Emigrant Office,  
23rd December, 1839.

(Signed) A. B. HAWKE,  
Chief Emigrant Agent for Upper Canada.



No. 2.

(No. 34.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord  
JOHN RUSSELL.

No. 2.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
21st January, 1840.

MY LORD,

Toronto, 21st January, 1840.

I HAVE the honour to enclose for your Lordship's information a copy of an address which I received on the 13th of December from the House of Assembly, and of my answer to the same of the 14th January.

It appears to me to be extremely unadvisable to excite the public mind by making any formal communications upon this matter. The opinions of Her Majesty's Government, and my own, are perfectly well understood with respect to it; and, as I have already had occasion to state to your Lordship, they are generally acquiesced in.

I have, &c.,

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure 1, in No. 2.

To his Excellency the Right Hon. C. POULETT THOMSON.

MAY IT PLEASE YOUR EXCELLENCY,

WE, Her Majesty's dutiful and loyal subjects the Commons of Upper Canada in Provincial Parliament assembled, humbly request that your Excellency will be pleased to inform this House whether any communications have been received from Her Majesty's Principal Secretary of State for the Colonies on the subject of responsible government as recommended in the Report of the Earl of Durham, or as suggested in any other manner; and if any such despatches have been received, or any by which the opinion of Her Majesty's Government upon that subject can be collected; that your Excellency will cause copies of the same to be transmitted for the information of this House.

Encl. 1, in No. 2.

Enclosure 2, in No. 2.

MESSAGE from his Excellency the Governor-General to the House of Assembly.

C. POULETT THOMSON.

Toronto, 14th January, 1840.

IN answer to the Address from the House of Assembly of the 13th December, respecting communications received from Her Majesty's Principal Secretary of State on the subject of responsible government, the Governor-General regrets that it is not in his power to communicate to the House of Assembly any despatches upon the subject referred to.

The Governor-General has received Her Majesty's commands to administer the government of these provinces in accordance with the well understood wishes and interests of the people, and to pay to their feelings, as expressed through their representatives, the deference that is justly due to them. These are the commands of Her Majesty, and these are the views with which Her Majesty's Government desire that the administration of these provinces should be conducted; and it will be the earnest and anxious desire of the Governor-General to discharge the trust committed to him in accordance with these principles.

Encl. 2, in No. 2.

No. 3.

(No. 41.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON, to Lord  
JOHN RUSSELL.

MY LORD,

Toronto, 10th February, 1840.

SINCE my Despatch of the 18th ultimo was written, I have received some verbal communications from Mr. Rubidge, the gentleman employed by Colonel Wyndham to superintend the emigration from his Irish estates to this province,

No. 3.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
10th Feb. 1840.

No. 3.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
10th Feb. 1840.

which lead me to doubt the accuracy of the reports which I transmitted to you relative to the departure of the great body of those emigrants to the United States. I have accordingly directed Mr. Hawke to make further inquiry into the matter, and I shall communicate to your Lordship the result of his inquiries at the earliest opportunity.

I think it necessary, however, without delay, to correct an error which occurred in my Despatch of the 18th ultimo. It is there stated that "of the emigrants in question," which would properly refer to the whole body, "all except three have left Upper Canada." This statement is clearly erroneous; it should have been, that of thirty emigrants employed by Mr. Brown, who would constitute upwards of two-thirds of the whole number of male adults, all except three had, according to that gentleman's statement, left the country. I have no doubt that, from the documents which accompanied my Despatch, your Lordship will have detected this mistake; but, in a matter of so much importance, I have thought it indispensable to call your particular attention to it.

With respect to the general reasoning in my Despatch, I see no grounds to change my views, which are entirely in accordance with Mr. Rubidge's, as well as Mr. Hawke's, but I shall communicate with your Lordship more fully on this subject when I shall receive the further reports which I have called for.

I have, &c.,

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c.      &c.      &c.

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No. 4.

(No. 46.)

EXTRACT of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

Toronto, 12th February, 1840.

No. 4.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
12th Feb. 1840.

As it is possible that statements may be made in the London newspapers, respecting a meeting lately called by Mr. Neilson at Quebec for the purpose of preparing an Address to the Throne against the Union of Upper and Lower Canada, I feel it my duty to communicate to your Lordship, as far as I am able, the circumstances connected with that meeting.

Mr. Neilson, who is editor of the Quebec Gazette, and a member of the Special Council, has throughout been opposed to the Union, and has devoted the columns of his paper to an attack on the measure. His opinions, however, appeared to meet with little response in the public mind; nor was there any agitation produced on the subject. It now, however, appears that the anti-union party had been for some time preparing a meeting, to be held at such a date as would admit of its being reported in England by the packet of the 1st February; and so secretly were their proceedings managed, that until the resolutions appeared in the public prints, at a time when it was no longer possible to take steps to counteract them, before they should be sent home, scarcely any one, beyond those immediately concerned in the matter, were aware of what was going on. I enclose a copy of those resolutions, on the unreasonableness of which it is unnecessary to comment. I understand they have been embodied in Addresses to the Crown and Parliament, to which, with the help of a portion of the Roman Catholic priesthood, Mr. Neilson and his friends are endeavouring to obtain signatures.

No sooner were these proceedings known than the opposite party called a *public* meeting, which was very numerously attended, to contradict the assertions put forward by Mr. Neilson. I enclose a copy of the "Montreal Herald," giving an account of this meeting, and I would particularly call your Lordship's attention to the four last of the series of resolutions then adopted, as conveying what I am convinced are the sentiments of a very large majority of the loyal population of Lower Canada.

It is possible that a good many signatures, or rather *crosses*, may be obtained to the petitions circulated by Mr. Neilson, but I cannot believe that they will be allowed to produce the slightest effect on the deliberations of Parliament, espe-



cially as the grounds of the application against the Union are not the advantage of maintaining the present form of government of Lower Canada, but a return to the old constitution in that province, a proposition which I cannot suppose any British statesman could for a moment contemplate as possible.

In one respect, I shall not be sorry if these petitions are sent home numerous crossed. They will, perhaps, impress upon Her Majesty's Government and Parliament the propriety of adopting my recommendation of an educational test after a few years, as a condition of the exercise of the elective franchise by those who are otherwise qualified by law to vote.

No. 4.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
12th Feb. 1840.

Enclosure in No. 4.

RE-UNION OF THE PROVINCES.

THE following resolutions, reported by a Committee named at a former meeting, were adopted at a meeting held at Mr. Glackemeyer's, on the 17th instant.

Encl. in No. 4.

JOHN WILLIAM WOOLSEY, Esq. in the chair.

Resolved 1st. That in a message from his Excellency the Governor-General on the subject of the re-union of the provinces, transmitted to both houses of the Legislature of Upper Canada, on the 7th of December last, it is stated that "so far as the feelings of the inhabitants of Lower Canada can be there ascertained, the measure of the re-union meets with approbation."

2. That we are not aware that any steps have been taken to ascertain the feelings of the inhabitants of Lower Canada on the measure of the said re-union, unless it be a reference which is reported to have been made by the Governor-General, of certain propositions to a meeting of the special council for the said province, which meeting was called by proclamation dated at Montreal the 5th of November last, to meet at that city on the 11th of the same month, and at which, from the nature and insufficiency of the notice, the distance of the residence of several of the members being nearly 300 miles from Montreal, and the difficulty of travelling at that particular season, was attended by only half of the members of the said council.

3. That the said special council has no representative character, in so far as the inhabitants of Lower Canada are concerned, but that the members thereof are appointed by the Crown, during pleasure, and have only an existence for special purposes till the 1st of November, 1840, under the Act of Parliament of the United Kingdom, 1st Victoria, chapter 9th, and cannot in any way be considered as expressing the feelings or wishes of the inhabitants of this province, on the measure in question.

4. That in the said message it is further stated that Her Majesty's advisers had refrained during the last session of the Imperial Parliament from pressing immediate legislation for the re-union of the provinces, not from any doubt as to the principle of the measure, or its necessity, but "solely from their desire to ascertain more fully the opinions of the legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both provinces."

5. That whatever events have marked the recent history of Lower Canada, and led to the suspension of the constitution, as stated in the said message, similar events have occurred in Upper Canada, and the same difficulties have existed in the Legislature of both these provinces, at the same period. The main difference has resulted from the fact, that in Upper Canada an appeal was made by the authority of the Crown, in the year 1836, to the sense of the people of Upper Canada, on the then existing differences between the Imperial Government and the Representative Assembly, while no such opportunity was allowed to the inhabitants of Lower Canada; but the constitution of this province was suspended to the 1st of November, 1840, in the first session of the Imperial Parliament, held after the breaking out of a partial rebellion in the district of Montreal.

6. That the Act of the 31st Geo. III. chap. 31, to make further provision for the government of the province of Quebec, was enacted by the Parliament of Great Britain, upon petitions submitted at various times, from the inhabitants of this province, of different opinions and feelings, and was passed, after an agent for certain of the petitioners was heard at the bar of the House of Commons; and it is to be inferred, that all interests in the province were fully considered by Parliament, before deciding on the important question of establishing the constitution of the government of a distant dependency of the Crown.

7. That the said Act was gladly and gratefully accepted by all the inhabitants of the said province, who cheerfully discharged their duty to the Crown for the defence of its government, as established in the said province by the said Act, when it was attacked by the United States of America in the years 1812 and 1813, so as to merit the thanks of their gracious sovereign; and it is only within the last seven years, notwithstanding the dissensions which are inseparable from free government, that any complaints have been made against the said constitution, or proceedings had to obtain any alteration thereof, but on the contrary, a general desire had previously and repeatedly been expressed, in humble petitions to the sovereign and Parliament, to maintain the said constitution, and transmit it unimpaired to posterity.

8. That whatever may have been the difficulties which subsequently occurred in the district of Montreal, the whole body of Her Majesty's subjects in this province, ought not to be

No. 4.  
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Lord John Russell.  
12th Feb. 1840.  
—  
Encl. in No. 4.

held responsible for them, or be exposed to lose that constitution of government which was solemnly granted to them by Act of the British Parliament, and be exposed to the manifold dangers and difficulties which have too frequently resulted from constitutional changes.

9. That the same spirit of justice which induced the British Parliament to re-establish by the Act 14th Geo. III. cap. 83, commonly called the *Quebec Act*, the laws of Canada, which had prevailed in the said province from its earliest settlement required a division thereof, that the majority of the persons who had settled in the upper part of the province should enjoy a system of laws with which they were acquainted, and that now that the two provinces have grown up under the sanction of the Imperial Parliament, with different codes of laws, and are distinct in almost everything that contributes to harmonious action in political societies endowed with representative assemblies, their re-union could produce nothing but renewed dissension, confusion in the laws which regulate property, oppression, and violence, the utter insecurity of person and property, and the total interruption of public prosperity.

10. That we have observed with profound grief the erroneous and injurious aspersions on the character of the inhabitants of this province generally, contained in the "Report on the Affairs in British North America, from the Earl of Durham, Her Majesty's High Commissioner, presented by Her Majesty's command, and ordered by the House of Commons to be printed, on the 11th of February, 1839," and more particularly those parts of the said Report which represent the inhabitants sprung from different national origins; as animated by the unchristian spirit of irreconcilable hatred to each other, and irretrievable enmity to Her Majesty's Government, even to the extent of a traitorous co-operation with Her Majesty's enemies in any future attempts to invade this province. Imputations so unfounded, laid before Her Majesty and the British Parliament and nation, are utterly unaccountable to loyal subjects and honourable men in this province, and are in no ways justified by the misfortunes which have resulted from dissensions similar to those which have prevailed in almost every country, including the home dominions of the Crown, and most of its colonial possessions.

11. That we are fully persuaded, that the experience of the past will serve as a beacon to warn all parties of past errors, and that the Representative Assembly of Lower Canada will study to promote harmony amongst the different branches of the Legislature and all classes of the people, make adequate provision for the support of government and the administration of justice on the principles of British Constitution, provide for any improvements which time and circumstances may have rendered necessary to afford a fair and equitable representation to all classes of the inhabitants, and in every part of the province; for the application of any duties which the Imperial Parliament may think proper to impose on goods entering the St. Lawrence, to facilitate the opening of a ship navigation from the sea to the great lakes, and for the improvement of the laws of the province and the general advancement of its prosperity.

12. That the terms on which it has been proposed in the message before mentioned, to effect the said re-union, whereby a section of the country of only about half the population and wealth of the proposed United Province is to have one half of the representation, and thereby possess the power of taxing the great majority of the inhabitants without their consent, and applying the proceeds to a sectional portion of the province, while a large debt, contracted and spent for the improvement of Upper Canada, is to be imposed on the inhabitants of Lower Canada, afford sufficient evidence of the erroneous information and unconstitutional designs which have presided at the formation of the said plan, and are a sure indication of the evils which must inevitably result from the sanction thereof by the Imperial Parliament.

13. That the constitution established by the said Act, 31st Geo. III., cap. 31, be maintained, and no alteration thereof be effected without the inhabitants of this province having had an opportunity of being heard on any bill to be introduced into Parliament for that purpose.

The following are the names of the persons who concurred in the resolutions:—

Messrs. T. C. Alwyn, advocate; M. Borne, J. P.; A. Berthelot; J. B. E. Bacquet, advocate; Thomas Baillairgé; J. N. Bossé, advocate; F. Buteau, J. P.; R. E. Caron, member of the Legislative Council; J. Chouinard, merchant; James Dinning; C. Deguise, advocate; Ls. Fiset, advocate; L. Fortier; E. Glackemeyer, notary public; F. X. Garneau, notary public; H. S. Huot, advocate; James Kelly; Charles Kelly; E. C. Lagueux; C. Langevin; Joseph Laurin, notary public; Ronald McDonald; Patrick Murphy; Joseph Morrin, M. D.; Louis Massue; F. X. Mathor; D. M. Callum, advocate; John Neilson, J. P.; J. J. Nesbitt; William O'Brien; A. A. Parant, notary public; E. Parant, advocate; Joseph Parant, M. D.; F. X. Paradis, J. P.; P. Peltier, J. P.; Joseph Petitclerk; Ed. Rousseau, M. D.; David Roy, advocate; A. B. Sirois, notary public; J. G. Tourangeau, J. P.; V. Tetu; J. W. Woolsey, colonel of militia; Thomas Wilson, J. P.; William Wilson; W. H. Roy; R. Angers, advocate; Ls. Prevost, notary public; G. Guay, notary public.

It was resolved that petitions to Her Majesty and the two Houses of Parliament, founded on these resolutions, be submitted for signature in the different local divisions throughout the province, and transmitted with the least possible delay.—*Quebec Gazette*, 24th inst.

On Friday evening last a very numerous meeting of the British and Irish inhabitants of Quebec was held at the Albion Hotel, to take into consideration the proper means to counteract the views of the hole and corner clique who passed resolutions in favour of the old constitution being again granted to Lower Canada. We made some remarks on a portion of these resolutions, and are sorry that we have not space in this day's paper to continue them, or to publish the very excellent speeches delivered at the Quebec meeting. The number present at it was between 800 and 900. Mr. Le Mesurier



was called to the chair, and Mr. Samuel Wright was appointed secretary. The following are the resolutions, all of which passed by acclamation.

No. 4.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
12th Feb. 1840.  
Encl. in No. 4.

Moved by G. O. Stuart, Esq., seconded by James Gibb, Esq.

1. That whereas in pursuance of resolutions adopted at a meeting of certain individuals at the house of Mr. Glackemeyer, on the 17th instant, a petition to Her Majesty the Queen, and the two houses of the Imperial Parliament, for the restoration of the constitution as it existed prior to its recent suspension, has been prepared, and is now in course of circulation for signatures, which petition contains various allegations, some unfounded in fact and others so stated as to convey erroneous impressions respecting the occurrences within this colony since the passing of the Act 31 Geo. III., cap. 31, it becomes alike the duty and the interest of the British and Irish inhabitants of this province to counteract the evil effects which may be produced by such misrepresentation.

Moved by J. M. Fraser, Esq., seconded by James Rodger, Esq.

2. That although as stated in the said petition, the Act 31st Geo. III., cap 31, was passed by the Parliament of Great Britain, after petitions from inhabitants of the province of different opinions and feelings desirous of obtaining a representative system of government, there were not wanting at the time many strongly opposed to the division of the two provinces, as calculated to engender dissensions between the respective legislatures and the different races; and by maintaining the French Canadians as a distinct race, to frustrate one of the main objects of a nation in rearing colonies, that of perpetuating to after ages the laws and institutions of the parent state.

Moved by John Jones, Esq., seconded by E. Baird, Esq.

3. That the history of the colony since the passing of the said Act demonstrates that the anticipations of evil from its operation have been more than realized; that disputes between the separate Legislatures have arisen; that the Representative Assembly of Lower Canada, elected almost exclusively by the inhabitants of French origin, has fostered and encouraged national distinctions; totally disregarded the wants and wishes of their fellow-subjects of British and Irish origin; has impeded immigration; neglected internal improvements necessary for the advancement of commerce; has systematically attempted to coerce the other branches of the Legislature; and finally, has abdicated its high functions and excited rebellion within the province.

Moved by William Bristow, Esq., seconded by J. Leaycraft, Esq.

4. That the feelings of national antipathy against the British, their laws and institutions, which characterized the leaders of the French Canadian party, are strengthened, embittered, and more widely diffused among the people by the collisions during the late rebellion, and that the restoration of political power, as prayed for in the said petition, to those who have hitherto so unconscientiously wielded it, would be viewed by the loyal inhabitants with just alarm.

Moved by Peter Langlois, Esq., seconded by ————.

5. That this meeting denies the truth of the allegation contained in the said petition, that events similar to those which have marked the recent history of Lower Canada have occurred in Upper Canada, that the same difficulties have existed in the Legislature of both these provinces at the same period, and that the main difference between the two has resulted from an appeal having been made to the sense of the people in the Upper and not in the Lower Province. The House of Assembly of Upper Canada, in the commencement of 1836, was not supported by the people, who, on the contrary, demanded its dissolution, and on a new election, returned an overwhelming majority of loyal men, while the conduct of the House of Assembly in the Lower Province was openly approved of by the mass of French Canadians. In Upper Canada a very small portion of the population was engaged in the outbreak, which was at once quelled by the spontaneous efforts of the people, without the aid of the regular military force, while in Lower Canada, the French Canadians, not actually engaged in the rebellion, looked passively on, offering no assistance in its suppression, which was effected by the cordial co-operation of the inhabitants of British and Irish origin, with Her Majesty's troops. In Upper Canada, jurors faithfully discharged their duty to their country on the trial of persons implicated in the rebellion, while in Lower Canada, jurors in violation of the sanctity of their oaths, acquitted their countrymen in defiance of the most undoubted evidence of guilt.

Moved by John Bonner, Esq., seconded by Peter Sheppard, Esq.

6. That this meeting considers that his Excellency the Governor-in-Chief is justified in the assertion that "so far as the feelings of the inhabitants of Lower Canada can be ascertained, the measure of the re-union meets with approbation," and that the assertion is not grounded solely on the reference to the special council, as insinuated in the said petition, and the proceedings had thereon, but on the support of the measure by the public press generally, and on the fact that in the year 1838, agents were deputed from the different districts of this province, to urge that measure, as the only one calculated to confer on the inhabitants a constitutional form of Government, and to maintain their connexion with the mother country.

Moved by Edward Ryan, Esq., seconded by J. G. Clapham, Esq.

7. That "Her Majesty's Government, after the most attentive and anxious consideration of the state of these provinces, and of the difficulties under which they respectively labour," having come to the conclusion that "by their re-union alone, could those difficulties be removed;" this meeting trusts that the details of this important measure will be so arranged, that the just rights of every portion of Her Majesty's subjects may be duly protected, and that under an efficient Legislature, the prosperity of these provinces may be permanently established.

No. 5.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
25th March, 1840.

(No. 91.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
POULETT THOMSON.

No. 5.

SIR,

Downing-street, 25th March, 1840.

I HAVE to acknowledge the receipt of your despatch, No. 46, of the 12th ult., explaining the circumstances connected with the meeting lately convened by Mr. Neilson at Quebec for the purpose of preparing an address to the throne against the re-union of Upper and Lower Canada.

I have, &amp;c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

No. 6.

(No. 54.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord  
JOHN RUSSELL.

MY LORD,

Toronto, 15th February, 1840.

WITH reference to my despatches of the 18th of January, and 10th instant, I now transmit for your Lordship's information, copy of a further report from Mr. Hawke, embodying the result of the inquiry, which, as I informed your Lordship, I had desired him to institute respecting the alleged departure of Colonel Wyndham's emigrants to the United States. From this report your Lordship will perceive, that the information furnished to Mr. Hawke by Mr. Brown, by whom a large proportion of the adult males had been employed was incorrect; and that of the whole number sent out only 52, or rather less than one-third, have gone to the United States.

I regret very much that such an error should have occurred in a matter in which the people of England naturally take so deep an interest; but I trust that this explanation will arrive in sufficient time to prevent the publication of any incorrect statement respecting Colonel Wyndham's emigrants.

I have, &amp;c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure in No. 6.

(Copy.)

SIR,

Emigrant Office, 14th February, 1840.

I HAVE the honour to state, for the information of the Governor-General, that in obedience to his Excellency's commands I wrote to John Brown, Esq., of Port Hope, on the 1st instant, pointing out the great difference in the statements made by him and Mr. Rubidge, respecting the distribution of the settlers sent to this colony last summer by Colonel Wyndham.

I have by this morning's post received Mr. Brown's reply, in which he states that after a careful inquiry he finds Mr. Rubidge's report correct in almost all its statements; and Mr. Brown adds, "I can only apologize for the incorrectness of my former statement from the following facts. That shortly after I employed them here, being in harvest time, many of the farmers induced them to leave by promises of higher wages, until the greatest number went away, with the exception of three heads of families, and upon my frequently inquiring what had become of the missing ones, the general reply was, that they had left for Rochester. Since, I am informed, the greatest number have returned to this province."

I have the honour to enclose two letters from Mr. Rubidge on the subject referred to, as well as a list of the persons sent out by Colonel Wyndham to Upper Canada, under Mr. Rubidge's superintendence, from which it appears that only 52 persons belonging to the party have gone to the States, and that the remainder continue in this province.

I have, &amp;c.

T. W. C. Murdoch, Esq.  
&c. &c. &c.

(Signed) A. B. HAWKE,  
Chief Emigrant Agent for Upper Canada.

(Copy.)

DEAR SIR,

Port Hope, 11th February, 1840.

I HAVE received your favour of the 1st instant, with copies of memoranda received by you from Mr. Rubidge respecting the emigrants sent out here by Colonel Wyndham, in charge of Mr. Rubidge. Since I received your favour I carefully inquired respecting those

No. 6.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
15th Feb. 1840.

Encl. in No. 6.



emigrants, and find that in almost all the reports made by Mr. Rubidge to be correct. I can only apologize for the incorrectness of my former statement from the following facts. That shortly after I employed them here, being in harvest time, many of the farmers induced them away from their engagement with me, by promising higher wages until the greater number went away, with the exception of three heads of families; and upon my frequently inquiring what had become of the missing ones, the general reply was that they left for Rochester with the steam-boat. Since, I am informed, that the greatest number have returned to this province. This is all the light I can throw on the subject at present.

No. 6.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
15th Feb. 1840.  
Encl. in No. 6.

A. B. Hawke, Esq.  
&c. &c. &c.

I have, &c.  
(Signed) JOHN BROWN.

(Copy.)

SIR,

Toronto, 1st February, 1840.

I BEG to enclose you a list with the names and residences of Colonel Wyndham's people sent out under my charge to Upper Canada; also the names of those who have left the Newcastle district, and who it is said have gone to the United States. At the same time I also enclose you the copy of a letter which I posted at Peterborough for you on the 10th of last month.

I have, &c.  
(Signed) CHARLES RUBIDGE.

A List of Persons sent out by Colonel Wyndham to Upper Canada under the superintendence of Lieutenant Rubidge.

Names.	Age.	Place of Abode.
Hartigan, James . . .	48 . .	Near Cobourg.
" Ellen . . .	40 . .	"
" Patrick . . .	24 . .	"
" Bridget . . .	20 . .	"
" Mary . . .	18 . .	"
" Peggy . . .	14 . .	"
" James . . .	10 . .	"
McNamara, Patrick . . .	35 . .	Near Port Hope.
" Peggy . . .	30 . .	"
" Bridget . . .	12 . .	"
" Mary . . .	8 . .	"
" John . . .	6 . .	"
" Winifred . . .	5 . .	"
" Martin . . .	2 . .	"
Giltman, Patrick . . .	35 . .	Cavan.
" Nancy . . .	32 . .	"
" Michael . . .	12 . .	"
" Biddy . . .	5 . .	"
" Mary . . .	2 . .	"
Carroll, John . . .	39 . .	Cobourg.
" Bridget . . .	36 . .	"
" Mary . . .	15 . .	"
" James . . .	14 . .	"
" Peggy . . .	10 . .	"
" Judy . . .	6 . .	"
" Kitty . . .	5 . .	"
Galvin, John . . .	29 . .	Cavan, W. D.
" Biddy . . .	28 . .	"
" James . . .	3 . .	"
" Martin . . .	1 . .	"
Clarney, Patrick . . .	36 . .	Supposed United States.
" Mary . . .	36 . .	"
" Biddy . . .	11 . .	"
" Michael . . .	9 . .	"
" James . . .	6 . .	"
" Peter . . .	5 . .	"
" Martin . . .	3 . .	"
" Mary . . .	9 months	"
Hogan, James . . .	45 . .	Emily.
" Kitty . . .	32 . .	"
" Daniel . . .	18 . .	"
" Judy . . .	17 . .	"
" Catherine . . .	13 . .	"
" Mary . . .	11 . .	"
" Peggy . . .	6 . .	"
" Patrick . . .	5 . .	"
" James . . .	2 . .	"

## CORRESPONDENCE RELATIVE TO THE

No. 6.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell,

15th Feb. 1840.

Encl. in No. 6.

Name.	Age.	Place of Abode.
R Roche, Edmund . . .	45 . .	Cavan, N. D.
„ Kitty . . .	40 . .	„
„ Patrick . . .	11 . .	„
„ Mary . . .	9 . .	„
„ Ellen . . .	6 . .	„
„ Catherine . . .	5 . .	„
R Ryan, Patrick . . .	26 . .	Near Cobourg.
„ Catherine . . .	30 . .	„
„ Timothy . . .	10 . .	„
„ John . . .	9 . .	„
„ Catherine . . .	22 . .	„
R Ryan, Thomas . . .	29 . .	„
„ Johanna . . .	30 . .	„
„ Mary . . .	8 . .	„
„ Infant . . .	7 months.	„
„ Ellen . . .	26 . .	„
D Doyle, Timothy . . .	26 . .	„
„ Mary . . .	23 . .	„
„ Norah . . .	11 months.	„
D Dwyne, Michael . . .	30 . .	„
„ Nancy . . .	26 . .	„
„ Mary . . .	8 months.	„
„ Margaret, sister . . .	26 . .	„
„ Catherine, ditto . . .	18 . .	„
„ Pat., son of Mary . . .	2 . .	„
D Davis, James . . .	29 . .	Port Hope.
„ Mary . . .	24 . .	„
W Welsh, Patrick . . .	25 . .	Near Cobourg.
„ Biddy . . .	25 . .	„
„ Maurice . . .	4 . .	„
„ Johanna . . .	2 . .	„
M Meeham, James . . .	30 . .	Supposed United States.
„ Nancy . . .	25 . .	„
„ Bridget . . .	4 . .	„
C Clancy, Daniel . . .	44 . .	Near Port Hope.
„ Mary . . .	37 . .	„
„ Peggy . . .	14 . .	„
„ Bridget . . .	11 . .	„
„ Mary . . .	9 . .	„
„ John . . .	5 . .	„
„ Thomas . . .	1 . .	„
O O'Neil, Patrick . . .	44 . .	Cavan, N. D.
„ Elizabeth . . .	34 . .	„
„ Morgan . . .	17 . .	„
„ Thomas . . .	13 . .	„
„ Michael . . .	12 . .	„
„ John . . .	6 . .	„
„ Mary . . .	5 . .	„
„ Judy . . .	4 . .	„
C Cusick, James . . .	40 . .	Supposed United States.
„ Mary . . .	36 . .	„
„ Michael . . .	20 . .	„
„ Daniel . . .	15 . .	„
„ Peggy . . .	13 . .	„
„ Kitty . . .	11 . .	„
„ Biddy . . .	6 . .	„
„ Mary . . .	2 . .	„
L Lucknane, John . . .	40 . .	„
„ Mary . . .	36 . .	„
„ Michael . . .	20 . .	„
„ Daniel . . .	15 . .	„
„ Peggy . . .	13 . .	„
„ Kitty . . .	11 . .	„
„ Biddy . . .	6 . .	„
„ Mary . . .	2 . .	„
K Kelly, James . . .	46 . .	Near Port Hope.
„ Mary . . .	30 . .	„
„ Biddy . . .	11 . .	„
„ John . . .	9 . .	„
„ Michael . . .	6 . .	„
„ Nancy . . .	1 . .	„
C Collins, William . . .	35 . .	„
„ Mary . . .	35 . .	„
„ Mary . . .	11 . .	„



	Name.	Age.	Place of Abode.
Collins,	John . . .	9 . .	Near Port Hope.
"	Martin . . .	6 . .	"
"	Patrick . . .	5 . .	"
"	Natherine . . .	3 . .	"
"	Cancy . . .	1 . .	"
"	Nancy (sister)	20 . .	"
McMahon,	Cornelius . . .	29 . .	Smith's Falls Rideau.
"	Margaret . . .	29 . .	"
"	John . . .	8 . .	"
"	Honora . . .	3 . .	"
Culligan,	Patrick . . .	31 . .	Supposed United States.
"	Kitty . . .	25 . .	"
"	Mary . . .	2 . .	"
"	Simon . . .	26 . .	"
"	Mary . . .	25 . .	"
"	John . . .	3 . .	"
"	Nancy . . .	2 . .	"
"	Infant . . .	7 months.	"
Ryan,	James . . .	28 . .	Port Hope.
"	Anstes . . .	26 . .	"
"	Patrick . . .	14 . .	"
"	Nancy . . .	11 . .	"
"	Biddy . . .	9 . .	"
"	John . . .	5 . .	"
"	Mary . . .	2 . .	"
Collins,	Bridget . . .	49 . .	"
"	Patrick . . .	30 . .	"
"	John . . .	25 . .	"
"	Catherine . . .	15 . .	"
McMahon,	Thomas . . .	40 . .	Near Port Hope.
"	Mary . . .	35 . .	"
"	Biddy . . .	14 . .	"
"	Mary . . .	11 . .	"
"	Michael . . .	9 . .	"
"	Timothy . . .	6 . .	"
"	Nancy . . .	3 . .	"
Fox,	Michael . . .	30 . .	Supposed United States.
Collins,	Murtagh . . .	20 . .	"
Connor,	James . . .	24 . .	"
Rennie,	James . . .	20 . .	"
Quin,	Edmund . . .	17 . .	"
Carty,	Patrick . . .	21 . .	"
Meers,	James . . .	21 . .	"
Healy,	Peter . . .	21 . .	Near Cobourg.
Cullinane,	Patrick . . .	16 . .	Peterborough.
Murray,	John . . .	30 . .	Supposed United States.
Mulgreny,	Michael . . .	31 . .	By Town.
Cusick,	William . . .	22 . .	"
Stackpole,	John . . .	28 . .	Supposed United States.
Moylan,	Patrick . . .	27 . .	"
Dillon,	Mary . . .	24 . .	Near Cobourg.
Burns,	Kitty . . .	25 . .	"
Quin,	Catherine . . .	16 . .	"
McMahon,	Nelly . . .	17 . .	By Town.
Hayes,	Johanna . . .	21 . .	Supposed United States.
Hayes,	Mary . . .	19 . .	Near Cobourg.
Mulgreny,	Catherine . . .	21 . .	By Town.
Stackpole,	Kitty . . .	20 . .	Supposed United States.
Gregy,	Mary . . .	23 . .	Near Cobourg.
Gregy,	Margaret . . .	20 . .	Supposed United States.
McMahon,	Kitty . . .	25 . .	Near Cobourg.
Hogan,	Margaret . . .	19 . .	"
Duncan,	Mary . . .	22 . .	Otonabee.
Maroonay,	Catherine . . .	25 . .	Cobourg.

No. 6.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
15th Feb. 1840.  
Encl. in No. 6.

CHARLES RUBIDGE,

Late Superintendent for Colonel Wyndham, Petworth, Sussex.

Toronto, 31st January, 1840.

DEAR SIR,

Woodlands, Otonabee, 10th January, 1840.

I HAVE visited most of the people sent out by Colonel Wyndham under my superintendence, and have ascertained that twenty families and sixteen single men and women remain in or near Cobourg, Port Hope, or in Cavan, in all 131, and that fifty-two have gone to the United States, or left this district. Out of the number I visited, I found three families, the

No. 6.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
15th Feb. 1840.  
Encl. in No. 6.

heads of which had been a few days out of work. It will be my care to prevent any of them suffering from want during the winter months. I am glad to find Sir R. W. Horton has sent out several of his books on colonization by Mr. Lukin Robinson, with best regards.

A. B. Hawke, Esq.  
&c. &c. &c.

I remain, &c.  
(Signed) CHARLES RUBIDGE.

## No. 7.

(No. 56.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

No. 7.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
20th Feb. 1840.

MY LORD,

Government-house, Montreal, 20th February, 1840.

I HAVE the honour to report that I left Toronto on Monday last, and arrived in this city on the following day. Sir George Arthur will have resumed the government of the Upper Province upon my quitting its limits, and I have undertaken the immediate superintendence of the affairs of Lower Canada, administered during my absence by the Commander of the Forces.

It is my duty to state, especially with reference to my despatch of December, that I have great satisfaction in believing that the most marked improvement in the state of feeling has been produced in Upper Canada during the last three months, and I feel confident that if the course of policy which I have pursued be steadily followed up, tranquillity will continue throughout that province, and the excitement which I had occasion to deplore will not again be found to prevail.

I have endeavoured to inspire the people with the belief, and have convinced them when the opportunity enabled me to do so, that the government would be administered with firmness and impartiality, and at the same time with vigour; that claims to exclusive loyalty, too often the cloak to personal ambition or private vengeance, should not be made the means of insulting and oppressing those whose loyalty, though not so loud, is probably much more sincere, and that the Colonial Government should not become a mere instrument in the hands of a small faction, for the benefit of themselves and their adherents; on the other hand, I have convinced the extreme democratic party, that their efforts to subvert order, or to put forward demands incompatible with the nature of colonial administration, would be promptly and steadily met, and that their power, when deprived of the support and assistance of those who had only joined their ranks from despair of obtaining justice and protection from the Government, is very small indeed.

There are naturally a certain number of persons in both extremes dissatisfied with this course of policy; but I may appeal with confidence, as a proof of its having been successful, to the measures and proceedings of the legislature and to the general tone of feeling universally admitted in the colony to be widely different from that which prevailed some months ago.

It will be my endeavour, though absent from the province, and no longer charged with the immediate management of its affairs, to promote this feeling; and from communications which I shall maintain with the Lieutenant-Governor, and the desire which I feel satisfied he entertains to assist me in carrying out my views, I hope to be able to do so. At the same time I must repeat my conviction that the most urgent necessity exists for as little delay as possible in the settlement, by the Imperial Parliament, of the future system of government in the two provinces, because, until that be decided, it is impossible to carry into effect any general plan of improvement, or fix the minds of the people steadily and earnestly on their real and practical interests.

I have, &c.  
(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.



No. 8.

(No. 57.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

No 8.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
21st Feb. 1840.

MY LORD, Government-house, Montreal, 21st February, 1840.

UPON my arrival here the accompanying petition was delivered to me by Mr. Le Mesurier, in order to be forwarded to your Lordship, to be laid at the foot of the throne. It was agreed to at a public meeting of the inhabitants of Quebec, and has been signed, as I am informed, by a great majority of the persons of property and station in that city in the course of a few days.

As I consider it of great importance to tranquillize, as far as possible, the public mind, I have discouraged, so far as my opinion can prevail, any circulation of petitions amongst those who are friendly to the proposed measure of the union. I have urged them to leave their case in the hands of the Imperial Legislature, and to trust to the wisdom and justice of Parliament for the settlement of the future constitution of this province, upon a basis which shall be productive of permanent good, and shall secure the rights and interests of all Her Majesty's loyal subjects.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure in No. 8.

To the Queen's Most Excellent MAJESTY.

May it please Your Majesty,

WE, Your Majesty's most faithful and loyal subjects of British and Irish origin, residing in the city and vicinity of Quebec, in the province of Lower Canada, beg leave to approach Your Majesty, and lay at the foot of your imperial throne this our humble petition, with the warmest and most unfeigned expressions of our fixed and unalterable attachment to Your Majesty's royal person and government.

Encl. in No. 8.

And we most humbly represent:—

That a petition to Your Majesty, and to the two Houses of the Imperial Parliament, for the restoration of the constitution as it existed prior to its recent suspension, is now in course of circulation for signatures. That the said petition contains various allegations, some unfounded in fact, and others so stated as to convey erroneous impressions respecting the occurrences within this colony since the passing of the Act 31 Geo. III. cap. 31, and that it becomes alike the duty and the interest of the British and Irish inhabitants of this province to counteract the evil effects which may be produced by such misrepresentations.

That although, as stated in the said petition, the Act 31 Geo. III. cap. 31 was passed by the Parliament of Great Britain, after petitions from inhabitants of the province of Quebec of different opinions and feelings, desirous of obtaining a representative system of government, there were not wanting at the time many strongly opposed to the division of the province into two provinces, as calculated to engender dissensions between the respective Legislatures, and the different races; and by maintaining the French Canadians as a distinct people, to frustrate one of the main objects of a nation in rearing colonies, that of perpetuating to after ages the laws and institutions of the parent state.

That the history of Upper and Lower Canada, since the passing of the said Act, demonstrates that the anticipations of evil from its operation have been more than realized; that disputes between the separate Legislatures have arisen; that the Representative Assembly of Lower Canada, elected almost exclusively by the inhabitants of French origin, has fostered and encouraged national distinctions; totally disregarded the wants and wishes of their fellow subjects of British and Irish origin; has impeded immigration; neglected internal improvements necessary for the advancement of commerce; has systematically attempted to coerce the other branches of the Legislature; and, finally, has abdicated its high functions, and excited rebellion within the provinces.

That the feelings of antipathy against the British nation, her laws and institutions, which characterized the leaders of the French Canadian party, are strengthened, embittered, and more widely diffused among the people by the collisions during the late rebellion; and that the restoration of political power, as prayed for in the said petition, to those who have hitherto so unconscientiously wielded it, would be viewed by the loyal inhabitants of these provinces with just alarm.

That the petition, to which we have referred, contains a mis-statement of facts in representing that events, similar to those which have marked the recent history of Lower Canada, have occurred in Upper Canada, that the same difficulties have existed in the Legislature of both these provinces at the same period, and that the main difference between the two has

No. 8.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
21st Feb. 1840.

Encl. in No. 8.

resulted from an appeal having been made to the sense of the people in the upper, and not in the lower province. In answer to this unfounded assertion, your petitioners humbly represent that the House of Assembly of Upper Canada, in the commencement of 1836, was not supported by the people, who, on the contrary, demanded its dissolution; and on a new election, returned an overwhelming majority of loyal men, while the conduct of the House of Assembly, in the lower province, was openly approved of by the mass of French Canadians. That in Upper Canada, a very small portion of the population was engaged in the outbreak, which was at once quelled by the spontaneous efforts of the people, without the aid of the regular military force; while in Lower Canada the French Canadians, not actually engaged in the rebellion, looked passively on, offering no assistance to its suppression, which was effected by the cordial co-operation of the inhabitants of British and Irish origin, with Your Majesty's troops. That in Upper Canada, jurors faithfully discharged their duty to their country on the trial of persons implicated in the rebellion; while in Lower Canada, jurors, in violation of the sanctity of their oaths, acquitted their countrymen in defiance of the most undoubted evidence of guilt.

That his Excellency, the Governor-General, is justified in the statement contained in his message on the subject of the reunion of the provinces, transmitted to both Houses of the Legislature of Upper Canada; that "so far as the feelings of the inhabitants of Lower Canada can be ascertained, the measure of the re-union meets with approbation;" and that this statement is founded not solely on the reference to the special council of Lower Canada, as insinuated in the petition to which we have already referred, but on the support of the public press generally, and on the fact that, in the year 1838, agents were deputed from the different districts in this province, to urge that, as the only measure calculated to confer on the inhabitants a constitutional form of government, and to maintain their connexion with the mother country.

That "Your Majesty's Government, after the most attentive and anxious consideration of the state of these provinces, and of the difficulties under which they respectively labour," having come to the conclusion that, "by their re-union alone could these difficulties be removed," we trust that the details of this important measure will be so arranged, that the just rights of Your Majesty's loyal subjects may be duly protected; and that, under an efficient Legislature, the peace and prosperity of these provinces may be permanently established.

Wherefore your petitioners, confiding in Your Majesty's wisdom, most humbly pray,

That the Act 31 Geo. III. cap. 31 may never be revived within this province; and that Your Majesty, in sanctioning the measure of the re-union of the provinces of Lower and Upper Canada under one Legislature, will be graciously pleased to exert your royal constitutional influence to establish the rights of Your Majesty's loyal subjects, on a basis calculated permanently to maintain the connexion of these provinces with the mother country.

And Your Majesty's humble petitioners, as in duty bound, will ever pray.

Quebec, 31st January, 1840.

(2,422 signatures.)

#### No. 9.

(No. 98.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

No. 9.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
8th April, 1840.

SIR,

Downing-street, 8th April, 1840.

I HAVE to acknowledge the receipt of your despatch, No. 56, of the 21st of February, enclosing a petition to Her Majesty from the residents of the city and vicinity of Quebec, of British and Irish origin, on the subject of the union of the Canadas; and I have to request that you will acquaint the petitioners that I have laid their petition before the Queen, and that Her Majesty was pleased to receive it very graciously.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

#### No. 10.

(No. 59.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

No. 10.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
23rd Feb. 1840.

MY LORD,

Government-house, Montreal, 23rd February, 1840.

WITH reference to that part of my confidential despatch of the 22nd ultimo, which relates to the separation of Gaspé from Lower Canada, and its annexation to New Brunswick, I have the honour to inform your Lordship that I have since



received the presentment of the grand jury for the inferior district of Gaspé, adopted at their meeting on the 16th January, protesting in the most decided terms against the measure proposed with respect to Gaspé by the Bill of last year, and expressing the general wish of the inhabitants to remain attached to Lower Canada. Taken in connexion with the information which I had previously received on this point, and communicated to your Lordship, I consider this presentment as conclusive as to the sentiments of the people of Gaspé in regard to their separation from Lower Canada.

No. 10.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell  
23rd Feb. 1840.

I have, &c.  
(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 11.

(No. 96.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C.  
POULETT THOMSON.

SIR, Downing-street, 7th April, 1840.

I HAVE to acknowledge the receipt of your despatch, No. 59, of the 23rd of February, containing additional evidence of the disinclination evinced by the inhabitants of the district of Gaspé to a separation from Lower Canada.

I have to request that you will, in the mode which you may judge most convenient, announce to the people of Gaspé, that in deference to their wishes and to the advice which you have tendered, Her Majesty's Government have resolved not to propose to Parliament the annexation of Gaspé to the province of New Brunswick.

I have, &c.

The Right Hon. C. Poulett Thomson, (Signed) J. RUSSELL.  
&c. &c. &c.

No. 11.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
7th April, 1840.

No. 12.

(No. 62.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord  
JOHN RUSSELL.

MY LORD, Government-house, Montreal, 28th February, 1840.

WITH reference to my confidential despatch of the 22nd ultimo, and to my public communication of the 23rd instant, I transmit to your Lordship herewith the copy of a despatch from Sir C. Fitzroy, with the extract of a letter addressed to him by Captain Baynes relative to the annexation of the Magdalen Islands to the government of Prince Edward Island. As I observe from the Parliamentary papers, that the Despatch addressed by Sir Charles Fitzroy to the Earl of Durham on this subject was communicated to the Colonial Office, I do not send a second copy of it.

As far as I am able to judge, Sir Charles Fitzroy's views in this matter are just and reasonable, and are free from the objections which have induced me to recommend that Gaspé should not be separated from Lower Canada. I would therefore suggest to your Lordship the propriety of effecting the annexation of the Magdalen Islands to the government of Prince Edward, which may be done, I presume, by an instrument under the great seal of the United Kingdom.

I have, &c.

(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 12.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
28th Feb. 1840.

No. 12.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
28th Feb. 1840.

Copy.  
SIR,

Enclosure 1, in No. 12.

Government-house, Prince Edward Island, 24th December, 1839.

Encl. 1, in No. 12.

MY attention having been directed to the heads of the Bill for the settlement of the Canadas, &c., which appeared in the public papers, wherein it is proposed to annex the Magdalen Islands to the province of New Brunswick, I deem it my duty to transmit to your Excellency a copy of a letter which I addressed to the Earl of Durham on the 28th September, 1838, reporting the results of a visit which I had then recently made to these islands at his Lordship's request, but which letter I have reason to believe did not reach Quebec until after Lord Durham's return to England.

I have also the honour to enclose an extract from a letter, dated 20th September last, from Captain Baynes, C.B., commanding Her Majesty's ship *Andromache*, who was stationed in the Gulf of Saint Lawrence during the last season for the protection of the fisheries. These letters will, I trust, give your Excellency some information which may be acceptable as to the actual state of a portion of the British colonies under your Excellency's government hitherto so little known as the islands in question; and as I am convinced that Her Majesty's government anxiously desire to make the details of the Canada Bill as perfect as possible, I trust I may not be considered as overstepping the bounds of my duty in pointing out that the annexation of the Magdalen Islands to the province of New Brunswick will not remedy the disadvantages and evils of which their inhabitants at present complain, as their geographical position renders them almost, if not altogether, as difficult of access to, and communication with, the seat of government in New Brunswick, as they are at present with regard to Quebec, whereas they are within sight and within a very few hours' sail of this island.

I would therefore beg to suggest for your Excellency's consideration, whether it would not be more advantageous to the population of the Magdalen Islands if they were annexed to the government so immediately in their vicinity, and from whence they could be so much better looked after, as they could be from hence, in preference to placing them under the superintendence of a government so distant from them as that of New Brunswick.

I have, &c.

(Signed) CHARLES A. FITZROY, Lieutenant-Governor.

His Excellency the Right Hon. the Governor-general,  
&c. &c. &c.

Enclosure 2, in No. 12.

Extract of a Letter from Captain Baynes, C.B., Her Majesty's ship *Andromache*, to Sir Charles Fitzroy, dated September 20th, 1839.

Encl. 2, in No. 12.

"I CANNOT conclude this letter without adverting to the state of the Magdalen Islands, which, although within the province of Lower Canada, are so entirely neglected that with a population approaching to 1,600, not a single local authority exists. Every two or three years, sometimes not so often, an agent who happens to be a magistrate, visits them from Quebec.

"The inhabitants, generally speaking, are, fortunately, a quiet and inoffensive race, and I believe quarrelling and rioting very uncommon amongst them.

"It does appear to me from the proximity of the Magdalen Islands to Prince Edward Island (only 42 miles), that great advantage would be derived if they were annexed to the government of your Excellency; and I feel assured that you would not have to consider them as a dead weight, but that the benefit would be reciprocal, their exports during the last year, I understand, amounted to nearly ten thousand pounds.

"I have, &c.

(Signed) "R. L. BAYNES, Captain."

No. 13.

(No. 66.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

No. 13.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
9th March, 1840.

MY LORD,

Government House, Montreal, 9th March, 1840.

IN my despatch of the 20th ultimo I have reported to your Lordship my return to this province, and have apprised you of the improved state of public feeling which had manifested itself in Upper Canada previously to my departure. It gives me satisfaction to state that in this province also entire tranquillity prevails, and though the public mind is, as it always must be, a good deal divided on some of the more important questions now under consideration, I see no reason to apprehend any interruption to the existing calm.

The first and most important question now in debate among the inhabitants of Lower Canada is no doubt the reunion of the provinces. On this subject a good deal of misapprehension and many unfounded fears appear to be entertained by the



Catholic clergy. They have been made to believe that, from the increased strength which will accrue from the union to the British population of the two provinces, there will be great danger to the property and privileges of the Catholic church. These fears they communicate to their flocks, and although they are sensible that it is impossible now to revert to the constitution of 1791, they oppose the union in the hope, as it would appear, that if that measure be defeated the present form of government may be continued.

I need scarcely say to your Lordship that I consider these fears unfounded, and that, adverting to the number and influence of the Roman Catholics in the upper province, there is no ground to apprehend that the union will expose the French Canadians to any risk of an unjust interference with their religion. But I mention the circumstance that your Lordship may be prepared to estimate at their real value the number of signatures, which you will find attached to the petitions against the union. Considering the misrepresentations which have been circulated among them, and the powerful dominion exercised over them in such matters by the clergy, a very considerable number of the French Canadians will probably sign these petitions; but even should that be the case the petitioners must be looked upon as expressing the fears of the clergy, and of a small party who, from less excusable motives, have joined with them, rather than the sentiments of the great body of the inhabitants.

Another question which in this city has engaged much attention is the extinction of the seigneurial rights in the city and island of Montreal. On that subject, however, I have addressed your Lordship more fully in a separate despatch.

It is my intention to summon the Special Council to meet about the beginning of next month, when I shall submit to them such measures as appear to me necessary for the public advantage. Among these will be Ordinances for the improvement of the judicature of this province, for the establishment of district courts, for the erection of district courts, and prisons, and for the creation of a system of township and parish government. I have also had under my consideration the present state of education in Lower Canada, and on my departure for the Upper Province I entrusted to a gentleman, who has since made his report to me, the duty of investigating that important subject. I am not without hope that it may be in my power in this respect also to carry out the views of Her Majesty, as communicated to me in your Lordship's instructions of the 22d August last, by the establishment of a general and comprehensive system of education in this part of Her Majesty's dominions.

I have, &c.

C. POULETT THOMSON.

(Signed)

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 14.

(No. 97.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

SIR,

Downing-street, 7th April, 1840.

I HAVE to acknowledge the receipt of your despatches, Nos. 56 and 66 of the 20th of February and 9th of March, reporting your return to Lower Canada from Toronto, and explaining the particular measures to which you were about to direct your attention for the improvement of that province.

It has been highly satisfactory to Her Majesty's Government to receive from you so favourable a report of the state of feeling which continues to prevail in Upper Canada; and I earnestly hope that that state of feeling will be permanent, after the just and candid exposition which, on all occasions, you have given to the people of the firm and impartial policy with which the public affairs will be administered.

I am equally impressed with yourself with the importance of obtaining the early settlement, by the Imperial Parliament, of the future constitution of the united provinces; and no time will be lost by Her Majesty's Government in bringing the question under the consideration of the Legislature.

I shall be glad to learn the result of your proceedings after your return to Lower Canada; but I am more especially anxious to receive your promised report on the subject of emigration.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 13.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell  
9th March, 1840.

No. 14.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
7th April, 1840.

No. 15.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
11th March, 1840.

No. 15.

(No. 67.)

Extract of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

Government House, Montreal, 11th March, 1840.

As it is possible that some discussion may arise upon the subject of the public debt of both provinces during the progress of the Union Bill, I shall briefly state the situation of each in this respect, and furnish an approximate account, without waiting for the exact particulars which cannot, so far as Upper Canada is concerned, be completed until some returns for which I have called are rendered.

The obligations incurred by these provinces must be classed under different heads:—1st. Debt incurred for provincial expenditure of a general nature; 2nd. Debt incurred for public works on account of the province; 3rd. Debt incurred by advances to private companies for which they are responsible; 4th. Debt incurred for works for which the interest is leviable, under Acts of the Legislature, by local taxation.

In Lower Canada the only class of debt is one under the second head. Advances have been made to the extent of about 50,000*l.*, and authorized to the extent of about 45,000*l.* more, making a total of 95,000*l.* for public works, for which the province is liable, receiving, of course, the benefit of the tolls and proceeds in return.

In Upper Canada the debt incurred under the first head amounts to about 62,000*l.*, being for war losses and a portion of the insurrection losses defrayed by the province. This, however, can scarcely be accounted as debt now due for those objects, because it might long ago have been discharged from the ordinary resources, if they had not been absorbed in the payment of interest accumulating on the debt contracted for public works, or advances under the other heads.

The amount advanced in Upper Canada under the second head is 704,000*l.* and a further sum of 200,000*l.* has to be added to the charge for the interest upon the original advances, which has been paid by fresh loans. These works are the Welland and St. Lawrence Canals, which have absorbed, with the interest, no less than 817,000*l.*, and the rest, works of the same, though of a less important character.

Under the third head there have been advanced to private companies a sum, with interest also due, amounting to 36,000*l.*

Under the fourth head there have been advanced for macadamised roads a sum, with interest, of 210,000*l.*, for which the districts through which they run are liable under an Act of the Legislature, directing the annual interest to be levied by local taxation.

The whole debt of Upper Canada may therefore be called about 1,200,000*l.* in currency, or 1,080,000*l.* sterling.

I have stated in submitting my scheme for the union that the whole debt of each province must be united and charged upon the general revenue, because there will exist no separate fund after the union in either province. But it is necessary to remark that, in looking at the Upper Canada debt, which, of course, forms the important feature, although so large a sum is necessarily transferred, and thus placed upon the united province, this amount is no measure of the charge which will really have to be defrayed annually.

The whole of the debt under the fourth class, namely, 210,000*l.*, is only a contingent security given by the province. Under the Acts by which these works were authorized, the different districts were rendered liable through the district rate leviable on the inhabitants and lands, for the payment of any deficiency of interest which might arise from the inadequacy of the tolls, a provision which had not yet been enforced, but which I have directed to be immediately acted upon. No annual charge can, therefore, fall upon the united province on account of this part of the debt.

The sum advanced under Class 3 is in like manner a mere security, although, of course, not so good, inasmuch as private companies only are responsible to the government, but I have directed this to be enforced, and there can be no doubt that as regards the greater part of this sum, which is, after all, a mere trifle, the security will be available.

Nearly the whole of the debt of Upper Canada, therefore, consists of the sums expended in principal and interest upon the two great canals, and some other



public works of general utility, of no less advantage to the lower than to the upper province, and as these works cannot fail to produce some return when completed, which will, of course, be paid to the united revenue, the burthen which will really fall upon Lower Canada, notwithstanding the difference in the amount of the share of debt which it brings, must be considered as very trifling.

No. 15.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
11th March, 1840.

No. 16.

(No. 75.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD, Government-house, Montreal, 22d March, 1840.

WITH reference to my despatches of the dates and numbers mentioned in the margin, I have the honour to transmit to your Lordship, in order that it may be laid at the foot of the Throne, an address to Her Majesty from the inhabitants of Gaspé, protesting against their severance from this province, in the event of its re-union with Upper Canada.

No. 16.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
22d March, 1840.  
24th January.  
23d February.  
28th February.

I have, &c.,  
(Signed) C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure in No. 16.

To the Queen's Most Excellent MAJESTY.

The Petition of the Inhabitants of the Counties of Gaspé and Bonaventure, in the District of Gaspé.

Most humbly represent,

THAT your petitioners, animated with the most profound feeling of loyalty and attachment to Your most gracious Majesty's person and Government, beg leave to approach Your Majesty's Throne to express their sentiments of grief at the introduction into the House of Commons, in the last session of the Imperial Parliament, of a Bill for uniting the provinces of Upper and Lower Canada, which enacts that the district of Gaspé shall form part of the province of New Brunswick.

Encl. in No. 16.

That such a measure could not have been introduced into the House of Commons unless prompted by a spirit hostile to the interests of the district of Gaspé, and your petitioners have every reason to fear, that the bait of an extensive trade, and the flattering expectation of acquiring a fertile soil and extensive tract of country, covered by an already numerous population, may have the unfortunate effect of inducing the legislature of the province of New Brunswick to support with their influence in the Imperial Parliament, a project, whose authors are endeavouring to decorate with the mantle of justice, but which beheld in its true colour is unjust.

That all the inhabitants of the district of Gaspé are strongly attached to the institutions and laws of Lower Canada, and would consider it as the greatest of misfortunes should the Imperial Parliament dismember the said district from the province of Lower Canada, in order to annex it to that of New Brunswick, the customs, manners, and laws of which essentially differ from those which prevail in the district of Gaspé.

That your petitioners humbly submit that if ever a policy of that nature should succeed, it would have the effect of depriving the inhabitants of the district of Gaspé of the rights and privileges that have been guaranteed to them by so many titles, more particularly by the capitulation and by the treaty of peace of 1763.

That your petitioners know not for what cause the district of Gaspé is to be dismembered, and transferred in the manner proposed by the Bill introduced before the House of Commons, and they beg most humbly to state to Your most gracious Majesty, that at a time that rebellion and disaffection had agitated both the provinces of Upper and Lower Canada, that there was not even one individual in the district of Gaspé suspected of disloyalty, and who was not ready to support Your Majesty's Government, and the constitution granted by Your Majesty's predecessors unto Lower Canada.

Wherefore your petitioners humbly pray, that Your Majesty be pleased to take this their petition into Your Majesty's consideration, and that the district of Gaspé may continue to form part of the province of Lower Canada; or should it please Your Majesty's Government to unite the provinces of Upper and Lower Canada, then to form part of the united province; and as in duty bound shall ever pray.

(831 signatures.)

No. 16.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
22d March, 1840.

To his Excellency the Right Hon. Charles Poulett Thomson, one of Her Majesty's most honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

Encl. in No. 16. May it please your Excellency,

WE, the inhabitants of the inferior district of Gaspé, beg leave most respectfully to approach your Excellency, and express our sincere congratulation on the appointment of your Excellency to the government of these provinces.

We feel convinced that the appointing your Excellency Governor-General over these provinces, is a proof of the solicitude of the Home Government for their welfare, and we have every reason to hope from the known wisdom and talents of your Excellency, that British North America will long feel the happy effects of your Excellency's administration, and this district will not, amid the multitude of your Excellency's cares and occupations, be forgotten.

Your Excellency's administration of these provinces will be an epoch in the history of British North America, and never was there a period when the experience, information, and wisdom of your Excellency were more needed, to settle the great questions which are now agitating the two Canadas.

We beg leave to call the particular attention of your Excellency to this district, and we have every reason to hope that when your Excellency is acquainted with our real sentiments, that your Excellency's representations to the Home Government, will prevent the adoption of a certain clause in the Bill introduced into the House of Commons during the last session of the Imperial Parliament, for the uniting of the provinces of Upper and Lower Canada, which enacts that this district shall form part of the province of New Brunswick.

That we would consider it one of the greatest misfortunes should the Imperial Parliament dismember this district from the province of Lower Canada, in order to annex it to that of New Brunswick, such a measure would not only deprive us of the laws, customs, and usages, which have hitherto prevailed in the district, and to which we are strongly attached, but, moreover, would be an incalculable loss to Lower Canada.

That fully convinced that this measure has been delayed, in order to obtain our sentiments, we beg leave to entrust your Excellency with a petition to Her Most Gracious Majesty, and to pray that your Excellency would be pleased to transmit the same to Her Majesty's Secretary of State for the Colonies, to lay it at the foot of the Throne.

We cannot take leave of your Excellency without expressing our full and entire confidence in your Excellency, and our sincere belief that those measures to be forwarded by your Excellency, will be conducive to the general welfare of the provinces; and we hope that your Excellency will meet with every support, to complete the arduous task undertaken by your Excellency when appointed to the government of these colonies.

New Carlisle, District of Gaspé, 12th December, 1839.

(854 signatures.)

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No. 17.

(No. 113.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

No. 17.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
21st April, 1840.

SIR,

Downing-street, 21st April, 1840.

I HAVE to acknowledge the receipt of your despatch, No. 75, of the 22nd March, with a petition to Her Majesty from the inhabitants of Gaspé, protesting against their severance from Lower Canada, in the event of the re-union of that province with Upper Canada.

Having laid this petition before the Queen, I have to acquaint you that Her Majesty was pleased to receive it very graciously.

The despatch which I addressed to you on the 7th instant, obviously supersedes the necessity of any further discussion on this question.

I have, &c.,  
(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

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No. 18.

(No. 80.)

EXTRACT of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

No. 18.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
4th April, 1840.

MY LORD,

Government House, Montreal, 4th April, 1840.

I HAVE the honour to transmit to you herewith, in order that it may be laid at the foot of the Throne, a petition from the Roman Catholic clergy of Lower Canada, deprecating the union of this province with Upper Canada, and praying for the re-establishment of the constitution of 1791.



In my despatch of the 9th ultimo (No. 66), I have already explained to your Lordship the motives which have induced the French Catholic clergy to take part against the union, and the absence of any foundation, as it appears to me, for their apprehensions. Further reflection confirms me in the opinions expressed in that despatch, and especially in the belief that, in praying for the restoration of the constitution of 1791, the clergy do not express their real wishes, but that their desire would be, if possible, to continue the present form of government at least for several years. Under these circumstances, I cannot think that much weight is to be attached to the petition which I have now the honour to enclose.

I would request your Lordship to be good enough to enable me to communicate a formal acknowledgment of this address to the parties.

No. 18.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
24th March, 1840.

Enclosure in No. 18.

A la très Excellente Majesté de la Reine.

La très humble Requête des Evêques, Vicaires-Généraux, Curés, Missionnaires, Vicaires, et autres Membres du Clergé Catholique du Diocèse de Montréal, dans la Province du Bas Canada.

Encl. in No. 18.

Qu'il plaise à Votre Majesté,

Nous, les soussignés, évêques, vicaires-généraux, curés, missionnaires, vicaires, et autres membres du clergé Catholique du diocèse de Montréal dans le Bas Canada, supplions qu'il nous soit permis de déposer au pied du trône les sentimens de notre vénération profonde envers votre personne sacrée, aussi bien que de notre attachement inviolable, et de lui exposer.

Que, dès le mois de Décembre mil-huit-cent-trente-sept, vos supplians avoient représenté à Votre Majesté, par le canal de l'Hon. Lord Comte de Gosford, alors Gouverneur-en-Chef des provinces du Canada, qu'il étoit indispensable que les deux provinces fussent et restassent séparées par un gouvernement distinct, si l'on vouloit qu'elles demeurassent attachées pour toujours à la mère-patrie, comme elles ont tout lieu de le désirer. Mais que la séparation gouvernementale des deux provinces est devenue bien plus nécessaire depuisque, par l'union des deux provinces Canadiennes, projetée contre les traités et actes les plus solennels de la Grande Bretagne, nous sommes menacés de perdre les droits acquis et garantis en faveur de notre religion, de nos lois, et même de notre langue; que cette union n'auroit lieu qu'à des conditions avilissantes et onéreuses pour ce pays, telles que d'aider à payer les dettes du Haut Canada que nous n'avons jamais contractées, d'être défranchisés de nos droits comme électeurs dans la proportion qui nous est dûe comme sujets Britanniques, et même de voir transporter le siège du Gouvernement, qui est la résidence naturelle d'un Gouverneur-Général, du Bas au Haut Canada.

Qu'une pétition pareille à celle-ci, signée en 1823 par 87,000 sujets fidèles de Sa Majesté, préserva alors cette province d'un malheur semblable à celui que l'on délibère de nous infliger aujourd'hui; parceque les illustres rois, vos ancêtres, se rapellèrent alors des exploits des Canadiens pour la défense constante du pays et pour la gloire des armes Britanniques, au lieu de punir une province entière pour les fautes d'un petit nombre proportionnel de coupables.

C'est pourquoi, vos petitionnaires supplient très humblement que le Gouvernement leur soit rendu, telqu'il existoit dans cette province en vertu de l'Acte de la 31 année de Geo. III, c. 31, et ferez justice.

+ J. J. LARTIGUE, Evêque Cath. de Montréal.

+ IG. BOURGET, Evêque de Telmissi, Coad. de Montréal.

(148 Signatures.)

Montréal, dans le Bas Canada,  
le 25 Février, 1840.

No. 19.

(No. 141.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon.  
C. POULETT THOMSON.

SIR,

Downing-street, 28th May, 1840.

I HAVE the honour to acknowledge the receipt of your despatch, No. 80, of the 4th of April, transmitting to me, in order that it may laid at the foot of the Throne, a petition from the Roman Catholic Clergy of Lower Canada, deprecating the union of the provinces of Upper and Lower Canada, and praying for the re-establishment of the constitution of 1791.

No. 19.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
28th May, 1840.

I have, &c.

(Signed) J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

No. 20.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
14th April, 1840.

(No. 83.)

No. 20.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord  
JOHN RUSSELL.

MY LORD,

Government House, Montreal, 14th April, 1840.

For Despatch 24th  
Dec. 1839, *vide*  
Correspondence  
relative to the  
Union of the  
Canadas, 1840,  
page 28.

IN my despatch of the 24th December last, I have recommended that it should be left to the Governor to declare the Union of Upper and Lower Canada, under the Bill of which I subsequently sent you the Draft, at such time as he should think proper, and I explained at length the grounds of my recommendation. It has occurred to me, however, that it might possibly escape your Lordship's notice that, in the event of the Union being postponed beyond the 1st November next, the former Constitution of Lower Canada would, as the law now stands, again come into operation at that date. To obviate this it will be necessary that a clause should be introduced into the Union Bill continuing the suspension of the former Constitution of Lower Canada, until the Proclamation of the Union of the two Provinces.

Your Lordship is aware that under the Constitutional Act the Assembly of Upper Canada will expire on the 16th of July next, being four years from the date of the return of the writs for its election. A question thence arose whether it would be necessary immediately to have a new election, and on that point I have consulted the law officers of the Crown, both in Upper and Lower Canada. In their opinion no such election is necessary under the Constitutional Act, provided that a session take place within twelve calendar months from the close of the former session, and as it would be highly inexpedient on the eve of so great a change in the representative system of that province needlessly to give rise to political excitement, I have decided not to issue writs for the election of a new Assembly in Upper Canada, until I shall have learnt the fate of the Union Bill in England. I mention this circumstance to your Lordship in order that you may be fully acquainted with the course which I propose to pursue in this matter.

I have, &amp;c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 21.

(No. 86.)

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord  
JOHN RUSSELL.

MY LORD,

Government House, Montreal, 17th April, 1840.

I HAVE the honour to transmit to your Lordship herewith, the Report made to me by the Emigrant Agent of this Province for the year 1839. My absence in Upper Canada, and the pressure of business since my return to Montreal, have delayed its transmission beyond what I had intended.

From this Report your Lordship will perceive that emigration to these provinces which, in the previous year, had almost ceased, had, in 1839, again begun to revive; and although the increase was not numerically great, it is sufficient to justify a hope that the tranquillity which has prevailed during the winter, and the confidence in the future which has now returned, will lead to a very large augmentation during the present and future years. The general good health of the emigrants, and the arrangements made for their comfort on arrival, will, when generally known, conduce much to this end.

I beg to call your Lordship's special attention to the frauds practised on emigrants by the captains and others connected with passenger ships. I am aware that, under the existing Passengers' Act, the powers of the agents at the out-ports are limited; but I would submit to your Lordship the propriety of enlarging those powers, and more particularly of taking steps to make known as extensively as possible in the districts from which emigration takes place, that at the principal ports of the United Kingdom, Government agents are stationed, whose duty it is



to assist and protect the emigrant. This, with a strict enforcement of the penalties of the law when incurred, may perhaps remedy the evil at present existing; an evil which must, in the first instance, interfere greatly with emigration, or at all events must tend to reduce to pauperism those who would otherwise arrive in Canada with means sufficient to support them till they could get regular employment.

You will observe that the Emigrant Agent expresses himself very decidedly against the tax heretofore paid by emigrants on their arrival. Whatever weight may be due to Mr. Buchanan's arguments is, in my opinion, more than counterbalanced under present circumstances by the advantages of the tax. Without it there would be no fund from which sick or destitute emigrants could be relieved or assisted. They would, therefore, either be exposed to the greatest distress on their first arrival, or would be thrown a burden on the charitable contributions of the inhabitants of Quebec and Montreal. Independently of the injustice of such a state of things to those cities, which derive no advantage from emigration but in common with all Canada, the emigrants themselves would at once become paupers; would be subjected to all the demoralization of a dependence on the charity of others; exposed at the same time to the temptations of cities where intemperance is unfortunately but too common and too easy. Such a result would render emigration a curse instead of a blessing, no less to this country than to the emigrants.

If, indeed, it were possible immediately on the emigrant's arrival to find him employment at or near his place of disembarkation, the emigrant tax might be reduced, or altogether discontinued; and I trust that the improvements which I hope to commence on the roads of this province, may afford such employment, but at present there is no public work open to emigrants, and the inconveniences of the tax, whatever they may be, must therefore be endured. I purpose, however, in the ordinance which I am about to introduce into the Special Council, to retain the distribution of the fund in the hands of the Government, not, certainly, from any doubt as to the good faith and uprightness of those gentlemen who, from motives of charity and public spirit, devoted gratuitously a portion of their most valuable time to its management, but simply because, administered by a responsible officer, under the immediate supervision of the Government, it may, I think, be made more generally useful. One object to which I shall devote a portion of it, is the quarantine establishment, at Grosse Isle, which I have reconstituted this year, on a very reduced scale. I enclose, for your Lordship's information, a copy of my proclamation on this subject, from which you will perceive, that instead of every vessel being, as heretofore, compelled to stop at Grosse Isle, a serious, and at the same time unnecessary burthen upon trade, only vessels having 13 or more steerage passengers, or who have had sickness on board during their voyage, will be required to perform quarantine. Every care will be taken to limit the interference with emigrant ships to what is necessary to prevent the introduction of disease into the province.

In his argument respecting the emigrant tax, Mr. Buchanan recommends "an annual appropriation by the Imperial Government, in a similar manner to that which has been adopted in Upper Canada." I understand Mr. Buchanan to allude here to assistance which, under an authority from Lord Ripon, has been extended from time to time out of the Crown Revenues to needy emigrants, but which, of late years, does not appear to have been acted upon. I notice the matter simply because, from the mode in which it is mentioned, your Lordship might probably not understand the allusion.

Finally, I would suggest to your Lordship, that the Commissioners for the Sale of Land and Emigration, having the best means of knowing the points on which persons intending to emigrate generally desire information, should be directed to draw up a series of questions embodying those points. When this is done, I will take care to furnish your Lordship with accurate answers on them. In no other way do I conceive that those particulars could be so satisfactorily ascertained.

I have, &c.  
(Signed) C. POULETT THOMSON.

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.

No. 21.  
The Right Hon,  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.  
Encl. 1, in No. 21.

Enclosure 1, in No. 21.

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Office of Her Majesty's Chief Agent for the Superintendence of Emigration in Upper and Lower Canada.

SIR, Quebec, 12th January, 1840.

THE navigation of the St. Lawrence being closed for the winter, I have the honour to lay before your Excellency, for the information of Her Majesty's Government, my report of the emigration to these provinces during the year 1839.

It affords me pleasure to inform your Excellency that, notwithstanding the unsettled state of Upper and Lower Canada during the last two years, and the exaggerated statements which have been widely circulated through the emigrant districts in the United Kingdom, the increase in the number of emigrants has been more than double in comparison with the year 1838. In paper No. 1, in the Appendix, it will be seen that the total number of migrants recorded at this office, from the opening of the navigation to its close, amounts to 7,439, being an increase over last year of 4,173 souls.

Paper No. 2, shows a detailed statement of the ports whence these emigrants sailed, with also the particular number from each country, viz. : from England the number was 1,586; from Ireland, 5,113; from Scotland, 485 souls; and from Nova Scotia, N Brunswick, and ports in the Gulf of the St. Lawrence, 255 souls.

Paper No. 3, in the Appendix, exhibits a comparative account of the emigration to this colony since the year 1829; the total number recorded at this office since that period amounts to 271,493 souls.

It is gratifying to be able to report to your Excellency that no loss of life has occurred from shipwreck amongst the emigrants of last season; the only vessel totally lost with emigrants on board was the Navarino, from Dublin, with 12 passengers; she was wrecked at Little Metis, on the south bank of the St. Lawrence, the passengers were saved and brought up in a schooner. The Napernaum, also from Dublin, with 75 passengers, got on shore at Matan, on the south



bank of the St. Lawrence, but after some delay was got off and brought part of her passengers up to Quebec.

The general health of the emigrants has been more favourable than on former years, which may be attributed, in some measure, to the passenger vessels being less crowded than before; and, by referring to paper No. 5, in the Appendix, it will appear, by the very satisfactory report received from Doctor Douglas, the medical officer in charge of the quarantine establishment at Grosse Isle, that out of 189 cases admitted to the hospital, there were only nine deaths, two of which were of seamen. Amongst the emigrants two deaths only were of adults, and the remaining five of children.

Your Excellency will also find a similar return by Dr. Andrews, from the marine hospital of this city, which is equally favourable in respect of the general health of the emigrants of 1839.

I regret to be obliged to notice again in terms of reprehension, the conduct of certain passenger agents and shipmasters engaged in the passenger trade. It is the practice, principally with reference to the port of Liverpool, to send a travelling agent, early in the season, through the country parishes in Ireland, in order to secure passengers for the spring vessels bound to Canada and the United States. The intending emigrants who thus engage with the travelling agent, often make a deposit of one half of the passage-money, for the purpose of securing a berth on board; they are then directed by the travelling agent to repair to the port of embarkation by a certain date; and on arrival finding the vessel not ready for sea, they are detained and put off from day to day under various excuses. Should the ship-agent find many passengers coming forward, he frequently raises the price of the passage, and the emigrant, anxious to embark, pays the additional sum asked out of the sum laid by for his anticipated wants after arrival in America. It is obvious how injurious such a system must be to the interests of emigration, and how cruel and unjust it is to the emigrant himself.

The above statement applies to the case of some passengers, 30 in number, who came out in the Royal William, from Liverpool. They had engaged their passage with the agent of a vessel bound from Liverpool to New York; but on their arrival from Belfast at Liverpool, they found the rate of passage raised; and they were obliged to come out by the way of the river St. Lawrence. Had they not done so, they would have had no resource but to make up the increased amount demanded of them by sacrificing part of the small sum which they had reserved against their arrival in this country.

This system of raising the amount of passage-money after the passage out has been engaged with the travelling agent, accounts for the number of unprovided emigrants who annually land at this port. They are induced, in the first instance, by interested persons, to quit their homes; imposed upon by false statements; they arrive at the seaport, strangers, and unacquainted with the proper means to prevent imposition; here they are completely at the mercy of the designing ship-broker, who, in the event of there being great competition for passage, is guilty of all kinds of exaggeration as to the superior qualities of the vessel whose interests he represents. In many instances it is unblushingly asserted, that the voyage will be made in from 25 to 30 days, and that provisions for that period will be amply sufficient, whereas the average passage of 133 emigrant vessels last season was 45 days, and of this number 15 were above 60 days at sea. I am well aware that Government has appointed zealous and active agents at the principal seaports; but the impositions to which I have alluded to above, are frequently practised before the intending emigrant has been enabled to discover and make application to the resident agent.

In confirmation of the fact that emigrants are imposed upon in the manner I have described to your Excellency, I have to report that the brig Industry, Captain Daly, with 67 passengers, from Cork, affords an instance of gross deception on the part of the individuals from whom the passage out was engaged. These emigrants state that they were told if they laid in provisions for 25 or 30 days, it would be amply sufficient. The result was, that this vessel was 80 days on her voyage, and many of the passengers, who incautiously had trusted to the misrepresentation of the agent, and had provided only for the shorter period, were compelled to purchase food from the captain, at very advanced prices. Subsequently, the ship's provisions fell short, but a timely supply was obtained from a vessel spoken at sea. The Australia, Captain Lush, from Liverpool, with 127 passengers, was 69 days at sea, and their stores having been consumed, the emigrants on board were forced to purchase from the captain at exorbitant prices; they consequently landed in Quebec quite destitute, and were forwarded up the country by the charitable Emigrant Society. Here it is but justice to mention the case of the ship Albion, Captain Robertson, from Londonderry, with 132 passengers. Their stores having run short, Captain R. behaved in the kindest manner, and furnished his passengers with provisions at moderate prices.

With reference to cases similar to those cited above, where impositions are practised on the emigrant, I wish to draw the attention of the proper authorities to the necessity of strictly enforcing the 3d and 4th clauses of the Passenger Act. Owing to the want of authority on my part, I am unable to exact any penalty for the infringement of the law here. I also beg leave to suggest the propriety of reducing the number of passengers for whom a medical practitioner is by law required to be provided on board. The clause also, as it now stands ought to be rigidly enforced; as in point of fact, I scarcely know an instance where a vessel with emigrants during the last season was provided with a surgeon. In support of these suggestions, I beg leave to insert an extract from a report made by the inspecting medical officer at Grosse Isle, relative to the passengers by the Napernaum, Captain from Dublin, with 75 emigrants:—"On board of this vessel, the disease, typhus fever, appeared before entering the river. She was unfortunately wrecked at Matan, on the south bank of the St.

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.  
Encl. 1, in No. 21.

No. 21.  
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C. P. Thomson to  
Lord John Russell.  
17th April, 1840.  
Encl. 1, in No. 21.

Lawrence, and it being found necessary to discharge part of the cargo, the passengers were landed and provided with shelter in the barns and outbuildings of the seigneur, Mr. Fraser, who from exposure to contagion, fell a victim to the disease; he was attacked with typhus, and died after a few days illness; other members of his family were affected but less severely; part of these passengers were brought up in small crafts, and the remainder in the vessel; after repairing damages, 13 were sent to hospital on arriving at Grosse Isle."

The disease mentioned in the above extract extended itself amongst the inhabitants of the adjoining parishes, and many deaths occurred; a catastrophe which might have been prevented had an efficient medical practitioner been on board.

It is with great regret I have to mention a melancholy loss of human life which occurred during the past summer, by the accidental burning of the splendid steamer John Bull, in the River St. Lawrence; it was so far fortunate, that the number of emigrant passengers on board at the time was small, it having been since ascertained that not more than 20 emigrants had taken steerage passage on that trip, from Quebec to Montreal. The total number of lives lost on this occasion was about 24, of whom about one-half were emigrants of 1839, and one family were deprived by this accident of both father and mother; the remainder escaped with the loss of their effects; and I am happy to add, that they received every assistance from the charitable public of Montreal.

I beg to report to your Excellency, that the law imposing the tax on emigrants, which was renewed by the Special Council of Lower Canada last year, expired on the 1st November last, and I trust that your Excellency will take this objectionable tax under consideration, previous to its being again submitted to the Special Council for re-enactment.

With respect to the imposition of this tax, I cannot refrain from stating my conviction that its effects are injurious to the cause of voluntary emigration, inasmuch as it diminishes the pecuniary resources of the healthy emigrant, and of his family, and directs to another channel those means which he might more advantageously employ in effecting his transportation to a place where labour may be in request. It is certain that the payment of the tax, is used as the means of deception by many emigrants; and I am convinced that a large proportion of those who have been assisted by the Emigrant Society in this city, and in Montreal, were undeserving objects of charity. This imposition receives colour and plausibility from the statements made of the tax having been paid out of the scanty funds provided for the emigrant's transportation to a place where employment may be had. Another objection is, that the payment of this tax entitles those from whom it has been exacted, to demand relief from the charitable institutions. This has the effect of diminishing confidence in their own exertions; and I have heard numerous instances during this season of persons and families receiving orders for free passages to Montreal, who, it has been ascertained afterwards, were in possession of ample funds to pay their own way, and the system is so well understood amongst them, that they will, if not assisted on their first application, remain in Quebec for several days, so that by constant repetition of their alleged distresses they eventually obtain their object; and after getting assistance from the society here, it in part justifies their claim on the charitable fund in Montreal for a similar indulgence there. It is also well ascertained that this tax has been frequently made subservient to the purpose of wives and families of persons residing in the United States, who, seeking to join their husbands, pass through the Canadian provinces free from the expense of transport. They embark for Quebec, encouraged by the fact that the passage is cheaper, and that by disguising the truth as to the place of their destination being out of Her Majesty's dominions they will succeed in getting themselves forwarded to Montreal by the charitable institution, and as they generally land here destitute, they, in almost every instance, obtain assistance. It has been often asserted, and I fear with too much truth, that the lower class of poor Irish are trained to mendicancy, and do not consider it any disgrace to solicit charity. In fact, many will beg with money in their pockets sufficient for months' support, and this will often be observed amongst them on their route from this place to Montreal and to Upper Canada, during which they will adopt every sort of subterfuge to evade the payment of their passage-money, let it be ever so trifling.

Although the emigration to the different ports in the United States, principally New York, is so considerable, no pecuniary assistance whatever is afforded from any known fund; on the contrary, the ship-master is obliged to give security that the passengers will not become a burthen on the city for the space of 12 months, besides paying a heavy tax, from which, if they are taken sick, or any accident should occur to them, they will receive no assistance whatever.

In addition to the above, the application of the fund accruing from this tax does not tend to the advantage of the emigrant, or to the benefit of the country.

The principal object of the society is to free the cities of Quebec and Montreal from the intolerable nuisance of a crowd of unemployed poor persons, without any regard to what may be their ultimate fate, so long as they do not become a burthen to these cities: whereas, if an appropriation was made by the Government, similar to that allowed to be expended by the Lieutenant-governor of Upper Canada, under the superintendence of this office, to be applied in the same manner, viz. in furnishing persons in distress (and who cannot get work from private individuals) with public employment, by repairing and opening roads, and in assisting to a reasonable extent those who are really destitute to proceed to their friends and relations, or to any place where employment may be in demand, reserving for the emigrants of the season a prior claim for employment on all public and Government works, a great service would be rendered to the poor emigrant, by giving him confidence in himself, and in his own exertions, and by preventing his looking to charity for assistance. It would at the same time be rendering a benefit to the country, by inducing such emigrants to remain in the province, and become permanent settlers therein.



In the remarks which I have had the honour of submitting to your Excellency, with reference to the tax on emigrants, I have merely stated the objections which a long course of observation has brought under my notice as applicable to this payment by the emigrant, not usually too well provided in a pecuniary point of view. I wish these remarks to be understood as general against the measure; for it is altogether foreign from my object to deny that individual benefit has frequently been conferred upon the sick and destitute emigrant from the proceeds of this tax, one-half of which is payable to the funds set apart for the support of the Marine Hospital in Quebec and the Montreal Hospital. Still less is it my desire to censure in the slightest degree the mode in which the funds arising from the tax have been administered by the very respectable committees of the Quebec and Montreal Emigrant Societies. I will merely add, that, in a national point of view, it appears to me highly unpatriotic in principle to impose a tax on British subjects, for any purpose whatsoever, who lawfully pass from one part of Her Majesty's dominions to another; while, by a strange oversight, no such tax is exacted from foreign emigrants into the province; nor is it, in my opinion, more defensible in practice to expend part of the funds raised by this tax, from *bonâ fide* settlers, in forwarding to their destination in another country persons who avail themselves of the route of the St. Lawrence to reach their friends who have preceded them to the United States,

In concluding what I have to offer to your Excellency's consideration with reference to this tax, I am strongly in favour of an annual appropriation by the Imperial Government, in a similar manner to that which has been adopted in Upper Canada; and I beg to repeat, what I have already stated in my Report of last year, that no expense will be incurred in the management of any such appropriation, should it be placed under the control of, and made part of the duties required from this department.

Amongst the emigrants who came out last season, I have much pleasure in recording 181 souls, sent out by the Emis Emigration Society, on the part of Colonel George Wyndham, who inherits the benevolent feeling of his father, the late venerable Earl of Egremont; they were from his estate in the county of Clare, and came out under the superintendence of Lieutenant Rubidge, R.N., to whom great praise is due for the excellence of his arrangements. I am happy to add that these emigrants landed here in perfect health, and proceeded immediately to their destination in the Newcastle district, Upper Canada, to which it will doubtless prove a valuable acquisition.

In the emigration from Great Britain and Ireland to the United States last season, there has been a considerable increase; the number arrived at the port of New York is stated to have been 24,376 souls, 20,000 of whom were regular settlers. Amongst this large number, I am sorry to mention, that great distress occurred in consequence of the depression in the value of property, and the general stagnation of business in that country during the last fall; I am informed that many of these emigrants, whose means permitted, have returned to England, but it is impossible to ascertain the exact number.

With reference to the prospects of emigration during the season 1840, and the number of emigrants who may be expected from the mother country, I must content myself with observing generally, that as considerable impetus will be given to the employment of the labouring classes by the anticipated resumption of public works in both provinces, consequent on their improved and more healthy political state, I cannot help anticipating corresponding advantages in the condition of the future emigrant, who relies upon labour for the means of present support and future settlement. With respect to the number of emigrants to be expected, a great augmentation over the number arrived last session may be reasonably anticipated, from the exertion of the friends of emigration to Canada, in Great Britain, amongst whom I may particularly mention Bishop M'Donell and Dr. Thomas Rolph, whose endeavours to direct the tide of emigration to these provinces have been as indefatigable as they are meritorious. The North American Colonial Association also, which body has become possessed of the large and valuable seigniori and lands lately the property of Mr. Ellice, are about to commence operations the ensuing spring, from which I anticipate the most complete success. The demand for persons of the working classes and mechanics, in both provinces, has been very great; and I received constant communications from different parts of both provinces during the summer, complaining of the scarcity of labourers. The farmers in Upper Canada and the eastern townships have been obliged to pay as high as 3s. 9d. to 4s. per day for labour during the harvest, with food; any number of good steady men, who understand farming, can obtain permanent employment, by the year, with from 20l. to 25l. wages, and found. Engagements by the month, 12 to 16 dollars, and found, or at the rate of 36l. to 40l. per annum.

With reference to the quarantine station at Grosse Isle, below Quebec, I have much pleasure in stating, that great accommodation has lately been afforded to emigrants landing there, by the erection of a convenient wharf. This has been effected under the superintendence of the Board of Works of Lower Canada; the want of this facility has long been felt, and great praise is also due to the commandant, Major Swinburn, 83rd regiment, for his exertions in bringing other improvements to completion.

Having thus brought under your Excellency's notice every matter connected with this department, which I can recal as worthy of attention during the past year, I conclude by requesting your Excellency to transmit this Report to Her Majesty's Principal Secretary of State for the Colonies, for the information of Her Majesty's Government.

I have, &c.,

(Signed)

A. C. BUCHANAN, Jun., Chief Agent.

To his Excellency the Governor-General,  
&c. &c. &c.

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.  
Encl. 1, in No. 21.

APPENDIX.

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.

Encl. 1, in No. 21.

No. 1.

THE following Statement shows the Weekly Arrival of Emigrants at Quebec and Montreal during the Year 1839; specifying the Number of Males, Females, and Children under 14 years; also the Number of Voluntary Emigrants, and those that receive Parochial Aid.

Week ending.	Males.	Females.	Children under 14 Years.	Parochial Aid.	Voluntary.	Total each Week.
May 18 . . . . .	216	65	94	..	375	375
May 25 . . . . .	124	64	57	..	245	245
June 1 . . . . .	477	301	213	..	..	991
June 8 . . . . .	283	251	153	..	..	687
June 15 . . . . .	171	124	108	..	..	403
June 22 . . . . .	136	79	90	..	..	305
June 29 . . . . .	353	295	186	..	..	834
July 6 . . . . .	236	243	232	181	530	711
July 13 . . . . .	213	178	164	..	..	555
July 20 . . . . .	26	45	57	..	..	128
July 27 . . . . .	59	39	49	..	..	147
Aug. 10 . . . . .	102	95	111	..	..	308
Aug. 17 . . . . .	207	191	124	..	..	522
Aug. 24 . . . . .	69	68	73	..	..	210
Aug. 31 . . . . .	119	101	95	..	..	315
Sept. 14 . . . . .	90	67	51	..	..	208
Sept. 21 . . . . .	96	54	55	..	..	205
Sept. 28 . . . . .	7	7	17	..	..	31
Oct. 5 . . . . .	10	14	10	..	..	34
Oct. 12 . . . . .	20	17	10	..	..	47
Oct. 17 . . . . .	36	32	18	..	..	86
Nov. 4 . . . . .	86	2	4	..	..	92
	3,136	2,332	1,971	181	1,140	7,439

Emigrant Department,  
Quebec, 12th January, 1840,

A. C. BUCHANAN, JUN.  
Chief Agent.

No. 2.

NAMES of PORTS from whence Emigrants came during the Year 1839; with Comparative Statements of the Number arrived at Quebec and Montreal during the Eight preceding Years.

ENGLAND.

Names of Ports.	1839.	1838.	1837.	1836.	1835.	1834.	1833.	1832.	1831.
London . . . . .	83	194	987	1,666	762	1,051	1,287	4,150	1,135
Chatham . . . . .	..	..	..	..	..	22	17	..	..
Shoreham . . . . .	..	..	..	..	..	62	..	99	..
Portsmouth . . . . .	..	123	201	778	247	163	251	932	..
Southampton . . . . .	..	..	..	..	..	1	20	..	4
Newport . . . . .	..	..	..	..	4	20	2	156	1
Dartmouth . . . . .	12	..	14	76	30	82	81	196	9
Poole . . . . .	14	52	73	74	6	1	84	150	106
Plymouth . . . . .	58	35	403	88	211	850	440	1,398	474
Torquay . . . . .	..	..	..	..	10	..	..	48	..
Exeter . . . . .	..	..	9	..	1	..	..	6	..
Falmouth . . . . .	..	17	3	11	..	59	31	107	77
Penzance . . . . .	..	..	1	..	13	12	..	28	19
Jersey . . . . .	..	..	..	27	2	17	2	..	..
Padstow . . . . .	9	1	1	8	13	29	53	335	5
Bideford . . . . .	..	8	..	16	..	..	..	60	51
Bridgwater . . . . .	..	..	6	..	2	37	16	306	280
Carried forward .	176	430	1,698	2,744	1,301	2,406	2,284	7,971	2,161



Names of Ports from whence Emigrants came, during the Year 1839, &c.—*continued.*

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.  
Encl. 1, in No. 2..

Names of Ports.	1839.	1838.	1837.	1836.	1835.	1834.	1833.	1832.	1831.
Brought forward .	176	430	1,698	2,744	1,301	2,406	2,284	7,971	2,161
Bristol . . . .	23	4	159	283	129	64	107	1,836	764
Gloucester . . .	..	..	..	22	3	10	7	..	6
Milford . . . .	16	3	3	7	1	5	35	138	15
Carmarthen . . .	..	..	..	..	6	..	22	..	45
Swansea . . . .	..	18	..	..	..	32	..	63	..
Aberystwith . . .	..	..	..	..	2	37	42	27	..
Llanelly . . . .	..	..	..	..	..	..	..	21	..
Liverpool . . . .	1,220	367	2,247	3,748	388	1,060	551	2,217	2,261
Lancaster . . . .	..	..	..	..	..	..	61	45	43
Whitehaven . . .	..	..	..	110	..	72	413	795	138
Maryport . . . .	..	..	39	15	182	538	315	884	421
Workington . . .	1	..	..	..	..	29	..	246	399
Berwick & Newcastle	19	7	94	16	210	459	208	340	239
Sunderland . . .	41	7	36	155	16	57	40	206	86
Scarborough & Shields	..	..	21	14	1	49	1	12	..
Stockton . . . .	..	..	..	..	18	192	233	132	..
Whitby . . . . .	..	..	71	71	59	273	46	236	471
Brant . . . . .	..	..	8	..	..	..	..	..	..
Hull . . . . .	90	86	367	465	462	1,171	655	1,288	2,780
Ipswich . . . . .	..	..	..	555	..	..	..	..	..
Yarmouth . . . .	..	49	617	3,025	203	345	171	793	514
Lowestoff . . . .	..	..	..	119	..	..	..	..	..
Colchester . . . .	..	..	..	..	..	..	..	145	..
Tynmouth & Wighton	..	6	..	21	..	..	..	..	..
Lynn . . . . .	..	12	1,546	810	86	..	7	86	..
Portaferry . . . .	..	..	12	..	..	..	..	..	..
Stornaway . . . .	..	1	62	..	..	..	..	..	..
	1,586	990	5,580	12,188	3,067	6,799	5,198	17,481	10,343

IRELAND.

Names of Ports.	1839.	1838.	1837.	1836.	1835.	1834.	1833.	1832.	1831.
Dublin . . . . .	523	135	2,535	2,438	912	5,879	3,571	6,595	7,157
Wexford . . . . .	..	..	..	18	6	23	21	157	229
Ross . . . . .	44	12	180	208	259	278	325	926	1,159
Waterford . . . .	105	14	859	629	205	1,008	197	877	1,216
Youghall . . . . .	..	..	246	249	65	203	53	159	210
Cork . . . . .	481	149	2,699	2,588	861	2,261	925	1,987	2,735
Baltimore . . . . .	..	..	360	166	99	..	..	184	..
Tralee . . . . .	100	17	286	250	42	217	67	133	114
Limerick . . . . .	616	96	1,055	906	641	1,097	602	1,689	2,759
Clare . . . . .	..	..	..	..	..	..	19	..	..
Galway . . . . .	18	4	..	83	..	79	190	425	452
Westport . . . . .	..	..	..	..	194	221	..	529	720
Killala . . . . .	91	..	223	288	..	..	..	..	514
Sligo . . . . .	1,378	187	1,513	1,687	893	2,114	657	2,961	4,079
Ballyshannon . . .	128	..	..	122	..	154	71	86	200
Donegal . . . . .	70	73	113	66	..	2	..	113	..
Londonderry . . .	254	204	1,424	1,427	1,041	1,580	1,852	2,582	2,888
Larne . . . . .	26	..	..	..	..	..	..	137	..
Belfast . . . . .	1,072	548	1,999	1,209	1,350	3,024	2,637	6,851	7,943
Newry . . . . .	204	17	282	144	537	945	725	1,374	1,591
Strangford . . . .	3	..	..	..	..	117	41	349	169
Drogheda . . . . .	..	..	..	..	..	..	60	90	..
Kilrush . . . . .	..	..	..	..	..	4	..	..	..
Kinsale . . . . .	..	..	86	118	3	2	..	..	..
Newport . . . . .	..	..	378	..	..	..	..	..	..
	5,113	4,456	14,538	12,596	7,108	19,208	12,013	28,204	34,135

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.

Encl. 1, in No. 21.

## SCOTLAND.

Names of Ports.	1839.	1838.	1837.	1836.	1835.	1834.	1833.	1832.	1831.
Dumfries . . . . .	..	..	..	..	26	..	137	..	..
Ayr . . . . .	..	..	11	..	..	221	24	..	40
Kirkwall and Thurso . . . . .	..	..	..	149	..	..	..	..	..
Inverness . . . . .	..	..	..	..	183	..	138	..	361
Cromarty . . . . .	..	..	215	545	181	276	298	638	460
Greenock . . . . .	239	145	698	519	597	1,140	1,458	1,716	2,988
Campbeltown . . . . .	..	..	..	..	..	..	192	110	..
Glasgow . . . . .	63	12	45	32	80	462	168	160	176
Stranraer and Montrose . . . . .	1	..	2	19	16	87	75	60	..
Peterhead . . . . .	..	..	..	..	42	29	41	18	13
Dundee . . . . .	10	1	20	11	37	99	194	439	249
Grangemouth . . . . .	..	..	..	6	1	..	..	..	196
Leith . . . . .	..	41	253	45	247	661	622	1,145	664
Aberdeen . . . . .	157	117	252	696	545	647	116	478	158
Isla . . . . .	..	..	..	..	123	358	601	181	..
Lochinbar . . . . .	..	..	..	28	..	..	..	..	..
Annan . . . . .	..	..	..	..	30	391	..	175	..
Lochindoe . . . . .	..	..	..	174	..	..	..	..	..
Alloa . . . . .	15	1	9	..	13	87	..	231	..
Leven . . . . .	..	..	..	..	..	..	39	112	..
Irven . . . . .	..	..	..	..	6	..	6	57	..
Kirkaldy . . . . .	..	..	4	..	..	33	47	..	..
Tobarmoney . . . . .	..	..	..	..	..	99	40	..	..
Troom . . . . .	..	..	..	..	..	1	..	..	..
Stornoway . . . . .	..	200	..	..	..	..	..	..	..
	485	547	1,509	2,224	2,127	4,591	4,196	5,500	5,305

## LOWER PORTS.

Names of Ports.	1839.	1838.	1837.	1836.	1835.	1834.	1833.	1832.	1831.
Newfoundland . . . . .	255	273	274	235	225	339	359	361	424
Nova Scotia . . . . .									
Cape Breton . . . . .									
West Indies . . . . .									
&c. &c. &c. . . . .									
CONTINENT.									
Havre de Grace . . . . .	..	..	..	485	..	..	..	..	..

Emigrant Department, Quebec,  
12th January, 1840.

A. C. BUCHANAN, JUN.,  
Chief Agent.

## No. 3.

COMPARATIVE STATEMENT of the Number of Emigrants arrived at Quebec since the Year 1829, inclusive.

Names of Ports.	1829.	1830.	1831.	1832.	1833.	1834.	1835.	1836.	1837.	1838.	1839.
England and Wales . . . . .	3,565	6,799	10,343	17,481	5,198	6,799	3,067	12,188	5,580	990	1,586
Ireland . . . . .	9,614	18,300	34,133	28,204	12,013	19,206	7,108	12,590	14,538	1,456	5,113
Scotland . . . . .	2,643	2,450	5,354	5,500	4,196	4,591	2,127	2,224	1,509	547	485
Hamburgh and Gibraltar . . . . .	..	..	..	15	..	..	..	..	..	..	..
Nova Scotia, Newfound- land, West Indies, &c. . . . .	123	451	424	546	345	339	225	235	274	273	255
Havre de Grace . . . . .	..	..	..	..	..	..	..	485	..	..	..
	15,945	28,000	50,254	51,746	21,752	30,935	12,527	27,728	21,901	3,266	7,439

Grand Total . . . . . 271,493

Emigrant Department, Quebec,  
12th January, 1840.

A. C. BUCHANAN, JUN.,  
Chief Agent.



No. 4.

RETURN of the Number of Emigrants arrived at New York from the United Kingdom, for the last 11 Years.

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.  
Encl. 1, in No. 21.

	England.	Ireland.	Scotland.	Total.
In the year 1829 . . .	. .	. .	. .	11,501
„ 1830 . . .	. .	. .	. .	21,433
„ 1831 . . .	. .	. .	. .	22,607
„ 1832 . . .	. .	. .	. .	28,283
„ 1833 . . .	. .	. .	. .	16,100
„ 1834 . . .	. .	. .	. .	26,540
„ 1835 . . .	. .	. .	. .	16,749
„ 1836 . . .	. .	. .	. .	59,075
„ 1837 . . .	. .	. .	. .	34,000
„ 1838 . . .	. .	. .	. .	13,059
„ 1839 . . .	. .	. .	. .	24,376
	. .	. .	. .	273,723

Emigrant Department, Quebec,  
12th January, 1840.

No. 5.

A RETURN of the Number of Emigrants admitted at the Quarantine Hospital, Grosse Isle, com-  
mencing 1st May, 1839, and ending 20th October following.

Description.	Admitted.	Discharged.	Died.	Total.
Men . . . . .	80	77	3	80
Women . . . . .	49	48	1	49
Children . . . . .	60	55	5	60
Total . . . . .	189	180	9	189

EMIGRANTS admitted to the Marine and Emigrant Hospital at Quebec, for the above Period.

Description.	Admitted.	Discharged.	Died.	Total.
Men . . . . .	94	90	4	94
Women . . . . .				
Children . . . . .				

Emigrant Department, Quebec,  
12th January, 1840.

A. C. BUCHANAN, Jun.,  
Chief Agent.

No. 21.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
17th April, 1840.  
Encl. 1, in No. 21.

EXTRACTS from the several WEEKLY REPORTS made to the Governor-in-Chief by the Chief Agent for Emigration at Quebec.

Week ending 18th May 1839.

THE emigrants arrived since the opening of the navigation have all landed in good health, and appear in good circumstances; their destination, with the exception of a few families, is the United States, to join their friends and relations.

Those per the Borneo, from Limerick, are all going to the States; they have chosen this route in preference to New York, on account of its being so much cheaper. Six passengers taken from the wreck of the Kingston, bound from Bristol to New York, proceeded to the United States; they were forwarded to Montreal by the Emigrant Society. Upwards of 150 emigrants are reported at Grosse Isle, principally Irish, and may be expected up to-morrow.

Week ending 1st June.

The emigrants arrived during the past week are principally from Ireland; they all landed in good health, and very many in possession of considerable capital; their destinations, with a few exceptions, is to Upper Canada, where many have friends. A few families are going to the Eastern townships, and some to the United States; but to the latter place, I am happy to say, the number is very small: all those who required it have obtained employment, with good wages, at the Coves, and in the immediate vicinity of Quebec. Labourers and tradesmen of all descriptions are much wanted. In the Larumney, from Hull, were two heads of families returning to their families in the neighbourhood of Toronto, where they have settled for many years; they have brought out a number of their friends with them, who intend to purchase lands and settle in their neighbourhood. A large number of emigrants are reported at Grosse Isle, and may be expected up to-day or to-morrow.

Week ending 22d June.

The emigrants per the Margaret Johnston, from Belfast, are all very respectable people, and many of them in good circumstances; they all proceed to Upper Canada, where many of them have friends already settled. Since Saturday evening there has been upwards of 600 emigrants reported at Grosse Isle, principally from the West of Ireland; a few of them have come up, but not yet landed.

Week ending 29th June.

The emigrants arrived here during the past week are nearly all from the West of Ireland. The passengers in the Royal William, from Liverpool, are all Irish, and principally from the midland counties; and I regret to say, very many of them almost destitute, principally owing to their long detention in Liverpool waiting for a ship. Upwards of 30 of these young men left their homes with the intention of going to New York, but were unable to pay their passage to that port, owing to the above cause. About one-fourth of the emigrants arrived during this week are going to the United States to join their friends, the remainder intend proceeding to the Upper Province.

In the brig Blanche, from Donegal, which arrived this day, are a few very respectable emigrant families from the county Tyrone; they are in good circumstances, and going to settle in the township of Matilda, Upper Canada, where they have relations. They have all arrived in good health, with the exception of a few of the passengers per the Royal William, three of whom died at sea, and they have left 24 sick in hospital at Grosse Isle. The telegraph reports above 240 emigrants at the quarantine station.

Week ending 6th July.

The emigrants arrived during the past week are, with the exception of 59, all from Ireland; and among them 34 families, numbering 181 souls, sent out by Colonel Wyndham from his estates in Clare and Limerick, under the superintendence of Lieut. Rubidge, R. N.; they all landed in excellent health, and proceeded immediately on their route to Upper Canada. Their destination is the Newcastle District, where, I understand, arrangement has been made for their reception, and to furnish them with employment on arrival. These people were amply provided with everything necessary for their comfort during the voyage, and had a large surplus stock of provisions on hands on their arrival. The arrangements of Lieut. Rubidge were most complete, both for their health and comfort, during the voyage, and it fully proves that, by a little care and attention on the part of the captain, or person in charge of passengers, all the sickness and misery which many of the emigrant vessels to this port are subject to might be avoided. There are a number of respectable families in the Machaica from Greenock: among them are several women with large families, who are going to join their husbands in Upper Canada. They all appear in good circumstances.

The passengers in the Pomona, arrived on Saturday from Sligo, are very poor, and the greater part of them are ejected tenants. The majority intend going to the United States.

Week ending 13th July.

The emigrants arrived this week have in general proceeded to Upper Canada. Many of the tradesmen and labourers have remained employed in Quebec and Montreal. The demand for labourers in the country and city is very good, and all those desirous of employment can obtain it without difficulty, and with good wages.



Week ending 20th July.

I have receiving, during the past week, most favourable accounts from several large farmers and proprietors in the Newcastle and Midland districts, offering immediate employment to a large number of agricultural labourers, as also to blacksmiths, carpenters, and masons. Wages for labourers from 80 to 100 dollars per year, with boarding.

Week ending 10th August.

The emigrants arrived this week are from Ireland, and in good health. The demand for persons of the working classes throughout the Upper Province hastens them forward, and the facilities of transport, owing to the opposition between this and Montreal, is a further inducement for them to proceed immediately. The passengers per industry, upwards of 200 in number, were forwarded to Montreal for 6*d.* each. The *Napernaum*, from Dublin, with 75 passengers, which was ashore at Matan, arrived two days since, with the remainder of her passengers, 48 in number; the others having come up in a schooner last week. The telegraph reports the ship *Dumfriesshire*, from Belfast, with 360 passengers, at Grosse Isle; she may be expected up to-morrow.

Week ending 21st September.

The emigrants arrived during this week are very respectable people, and of the better class of emigrants; the greater portion of these are proceeding to Upper Canada, where they have friends and relations. In the *Londonderry*, from Londonderry, there are 31 emigrants, mostly young men and women, who have come out to join their relations, respectable farmers, in the vicinity of Montreal, and will prove a very valuable addition to that part of the country.

The passengers in the *Sarah*, from Aberdeen, are in very good circumstances; they are all going to Upper Canada, and possess considerable capital. In the *Industry*, from Cork, there are 65 passengers, principally labourers and tradesmen. These poor people have suffered much from the effects of a long and tedious passage of 11 weeks, during which time they experienced very bad weather, and lost their foremast, which obliged them to put into St. John's, Newfoundland, to refit, where they were detained three weeks; they also suffered from a short allowance of provisions, and the passengers were obliged to purchase from the captain most of the voyage, as their own stock only lasted them about 30 days. They stated, that the captain told them that they would certainly be out in from 25 to 30 days, and to provide provisions for that period; consequently, they were obliged to purchase at a much dearer rate from the captain than they could have laid in the same previous to sailing. I obtained for many of them immediate employment on arrival here, and those who were desirous of proceeding were assisted by the Emigrant Society. I have received several letters from persons in Upper Canada and the eastern townships, complaining of the scarcity of farm labourers and servants, and they will give to a person who understands farming from 25*l.* to 30*l.* a-year, with food and lodging; and for female house servants, from 50 to 60 dollars per annum.

Enclosure 2, in No. 21.

Province of Lower Canada. <i>C. Poulett Thomson.</i>	}	VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith:—
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A PROCLAMATION.

WHEREAS, at an Executive Council, held at the Government-house, in Our city of Montreal, on the 16th day of April in the year of our Lord 1840, it was, by the Governor-General of Our province of Lower Canada, by and with the advice and consent of Our Executive Council, of and for Our said province, deemed expedient to renew quarantine regulations for the ensuing season of navigation, inasmuch as it was considered probable that pestilential diseases, which might endanger the lives of Her Majesty's subjects in this province, might be brought from any port or ports in Europe or elsewhere, by ships and vessels of a certain class and description arriving, and by persons, goods, and merchandize coming or imported into the ports in Our said province by the river St. Lawrence, on board of or in such ships and vessels, and it was judged expedient that such ships and vessels, persons, goods, and merchandize, arriving, coming, or immediately imported in the said ports, should, under and by virtue of the Act of Parliament of Our said province, passed in the 35th year of the reign of Our Royal Grandfather, intituled, "An Act to oblige Ships and Vessels coming from places infected with Plague or any other Pestilential Fever or Disease, to perform Quarantine, and prevent the communication thereof in this Province," be obliged to make their quarantine: We have therefore thought fit, by and with the advice of Our Executive Council, to issue this proclamation, ordering and strictly commanding all ships or other vessels, which henceforth, and during the eight next months ensuing, shall arrive in the port of Quebec, from any port or ports, place or places in Europe or elsewhere, by way of that part of the River St. Lawrence which is below the limits of the said port of Quebec, and which shall have, at the time of their said arrival, or shall have had during their passage from the place whence they respectively cleared, any person on board labouring under Asiatic cholera, fever, or small-pox, scarlatina, or other infectious and dangerous disease, or on board which any person shall have died during such passage, or which shall have on board 13 or more steerage passengers, to make their quarantine at Grosse Isle, in the said River St. Lawrence, and there remain and continue until such ships or vessels respectively shall be dis-

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charged from such quarantine, by licence given, without fee or emolument of any kind, under the hand and seal of the governor, lieutenant-governor, or person administering the government: and until such ships or vessels respectively shall have performed such quarantine, and shall be discharged therefrom by such licence as aforesaid. We do hereby strictly prohibit, under pain of the penalties and forfeitures provided by the said Act, persons, goods, or merchandize, which shall be on board such ships or vessels, from coming or being brought on shore, or from going or being put on board of any other ship or vessel in this province, except on Grosse Isle aforesaid, when duly required by competent authority: and we have further thought fit, by and with the advice and consent of our Executive Council, to order and strictly command all ships and other vessels which henceforth and during the eight months next ensuing shall arrive in the port of Quebec, from any port or ports in Europe or elsewhere as aforesaid, whether they be or be not of the class or description herein above-mentioned, as liable and bound to make their quarantine at Grosse Isle, in the said River St. Lawrence, to make their quarantine in the harbour of Quebec, according to the regulations hereinafter mentioned and set forth: We do hereby strictly prohibit, under pain of the penalties and forfeitures provided by the said Act, persons, goods, or merchandize which shall be on board such ships or vessels from coming or being brought on shore, or from going or being put on board of any other ship or vessel in this province, except at Grosse Isle aforesaid, when duly required by competent authority: And whereas it has been deemed expedient by our said Governor, with the advice and consent of Our said Executive Council, under and by virtue of the aforesaid Act of the Parliament of the said province, the better to prevent infection, to make and establish the following rules, orders, and regulations, in respect of the due performance of quarantine at Grosse Isle aforesaid, and in the Harbour of Quebec aforesaid, respectively, of the following tenour and effect, to wit:—

#### 1. *Grosse Isle.*

The quarantine anchorage shall be as near as possible to Grosse Isle, and between Grosse Isle, Cliff Island, and the Two Heads Islands; and all vessels of the class and description hereinabove mentioned as liable to make their quarantine at Grosse Isle, coming from sea, or from any part of this province, shall anchor within a point marked by the buoy near Grosse Isle, which shall be painted white, to be placed as heretofore under the direction of the superintendent of pilots.

#### 2. *Establishment.*

The establishment at Grosse Isle shall consist of such military force as His Excellency the Governor-general shall see fit to appoint; the officer in command of which military force shall be authorized to see the quarantine duly performed, and for this purpose, under the directions of the medical superintendent, who shall have full power and authority to call on all officers and other persons whatsoever on Grosse Isle, or attached to that station, and upon all persons, to aid him in enforcing the law and these regulations; and, if necessary, of a marine boarding officer, whose duty shall be to go off to vessels and inspect them as required by law, and according to the regulations hereinafter established, or which shall be established, and of a medical superintendent.

#### 3. *Military Officer in Command.*

The officer in command of the military force aforesaid shall, under the directions of, and when required by the medical superintendent, enforce the quarantine laws and regulations, and shall use all necessary means by firing guns, or any other kind of force or violence whatsoever, to compel ships or vessels of the class and description hereinabove mentioned as liable and bound to make their quarantine at Grosse Isle, to go to such place or places to perform quarantine, as it may be necessary to send them to. He shall, when so required, compel all such vessels to be brought to anchor within the limits of the quarantine anchorage, and generally shall do all that may be required to enforce a rigid obedience to the law; he shall permit all passengers landed to be re-embarked whenever he may receive directions to that effect from the medical superintendent, and when that officer shall be satisfied that the vessel is in a fit state to receive them, and that all the passengers with their baggage have been washed, cleansed, and purified, and that there does not exist among those that are about to proceed any cases of Asiatic cholera, fever, or small-pox, or any severe cases of scarlatina or measles, or other infectious and dangerous disease.

#### 4. *Medical Department.*

The medical superintendent shall have in all civil matters full power and authority over all officers and other persons whomsoever on Grosse Isle, and attached to that station, and to call on the officer in command of the military force for his assistance as aforesaid; he shall, in the cases hereinafter mentioned, go off to vessels bound to make their quarantine at Grosse Isle as aforesaid, and put the questions to the masters or persons in charge as required by the second section of the 35 Geo. III. c. 5; if the answers are satisfactory, he shall give a clean bill of health to the master or person in charge, and such vessels may then proceed to the harbour of Quebec; if the answers be not satisfactory, or the medical superintendent has any reason to suspect fraud on the part of the master or person in charge, crew, or passengers, he shall immediately order the vessel to such place as may be appointed for vessels detained under quarantine of observation. He shall call for the ship's papers, passengers' lists and log-books, and inspect them thoroughly, so as to ascertain the whole of the occurrences during the voyage; should he meet with any resistance, he shall make such signal as may be determined on by the officer in command of the military force aforesaid, to show that assistance is necessary.



The medical superintendent shall board and inspect any vessel which may be detained by the marine boarding officer (if any such officer be found necessary and appointed), and all others which he may consider it necessary that he should inspect. He shall have charge of all vessels detained in quarantine; shall direct, if necessary, all steerage passengers to be landed, and shall superintend the cleansing and disinfection of vessels; shall determine the number of passengers to be landed, and when they may be ready, and shall be careful that they are landed with their luggage at such time and places as he may direct. He shall have the medical charge of all cabin passengers who do not disembark, and who may be labouring under any disease, except the following, viz.: Asiatic cholera, fever, small-pox, or severe cases of scarlatina, or measles; for passengers labouring under, or threatened with any of these diseases, are to be landed and sent to the hospital, together with their luggage. He shall give medical attendance and treatment on board in all cases of slight diseases which are not by these regulations specially required to be landed and sent to the hospital. The medical superintendent shall decide and report to the officer in command of the military force aforesaid, when a vessel is sufficiently cleansed, ventilated, and purified, and in a fit state to receive passengers, and proceed to Quebec. And he shall, so soon as the passengers are re-embarked, give a passport, or clean bill of health, to the master or person having such vessel in charge, to proceed to Quebec. He shall keep a register of the vessels boarded by him, and enter in such register all necessary particulars concerning such vessels as soon as possible after such vessels are visited.

The medical superintendent need not, unless he see occasion, board the same vessel as the marine boarding officer, except in cases where the latter may find it necessary to detain the vessel.

The medical superintendent shall have charge of the hospital. He shall cause to be conveyed to, and receive into, the hospital, and give medical attendance and care to all such persons as he may think necessary to send there, and have the general superintendence and direction of everything relating to the sick. He shall make the Governor, Lieutenant-Governor, or person administering the government for the time being, or such officer as his excellency shall appoint, all such reports as may from time to time be required, and shall, to that end, keep a proper register or journal of his doings. He shall visit and inspect all passengers who shall be landed from any vessel, and distribute them as he shall think expedient; he shall send to the hospital all who may be labouring under, or threatened with, Asiatic cholera, fever or small-pox, and all severe cases of scarlatina or measles. He shall superintend the cleansing, washing, and purifying of passengers, and unpacking and ventilating of their baggage, and determine when they are in a fit state to proceed, and if need be, may cause such baggage, or any part of it, to be burnt or otherwise destroyed.

#### 5. *The Marine Boarding Officer.*

The marine boarding officer shall go off to vessels arriving at Grosse Isle, and liable, as aforesaid, to make their quarantine there, and put in questions to the master or person in charge of each of the same, as required by the second section of the said Act, if there be not more than 20 steerage passengers, and if the answers to the questions are satisfactory, the marine boarding officer shall give a certificate to that effect, and direct the master or person in charge to present the certificate to the medical superintendent, who will then furnish him a passport to enable him to proceed to the harbour of Quebec, should he see no cause for withholding the same. If there be more than 20 steerage passengers, or the master or person in charge do not answer satisfactorily, or the marine boarding officer have reason to suspect fraud on the part of the master or person in charge, crew or passengers, he shall immediately cause a yellow flag to be hoisted at the main-top-gallant mast head, and keep the union jack flying at the peak as a signal to the medical superintendent to come on board and inspect the crew and passengers, and take charge of the vessel. He shall also point out the place to which the vessel is to be taken, and call for the ship's paper, passengers' lists, and log-books, into which he will carefully examine to ascertain the whole of the occurrences during the voyage; and should he meet with any resistance, he will immediately make such signal as may be determined on by the officer in command of the military force aforesaid, to show that assistance is necessary. It shall, furthermore, be the duty of the said marine boarding officer to superintend, under the direction of the medical superintendent, the cleansing and purification, by ventilation or otherwise, of such vessels as as it may be deemed necessary so to cleanse and purify; and to supervise the removal of ballast, or such portion of the same as it may be considered expedient to throw overboard from any such vessels, and to supply sufficient water-casks to replace the deficiency of such ballast to be thrown overboard as aforesaid.

#### 6. *Traders, Suttlers, Grocers, and others.*

No persons following the business of suttlers, traders, grocers, or other such occupations, shall be allowed to reside at Grosse Isle, or be attached to the station, except under the licence and control of the medical superintendent, and they may be immediately sent off the island for any improper conduct.

#### 7. *Pilots.*

Pilots having been furnished with copies of the Quarantine Act and of these regulations, shall exhibit the same to the master or person in charge of every vessel they may board. Every pilot having charge of a vessel of the description of those liable to make their quarantine at Grosse Isle as aforesaid, shall bring her to anchor between Grosse Isle and the white buoy. Pilots shall take measures to acquaint all persons on board of vessels under their charge, of the penalty to be incurred by leaving such vessels, unless permitted to do so

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by competent authority, and with the liability of the vessel to be sent back to Grosse Island if, being of the description liable to quarantine there, she shall pass it without being inspected and discharged as aforesaid. They shall also keep a union jack flying at the peak of all vessels under their charge, until boarded at Grosse Isle or in the harbour of Quebec, as the case may require, by the proper officers, under the penalty prescribed by the said Act 35 Geo. III. c. 5. On arriving at Quebec, if the vessel be not of the description of those liable to make their quarantine at Grosse Isle, or has received a clean bill of health from the medical superintendent at Grosse Isle, and has not been detained there on account of sickness or suspicion thereof, they may bring to in the harbour, but must not communicate with the shore, or any other vessel or boat, until boarded by the inspecting physician and harbour-master.

#### 8. *Passengers.*

On arrival of any vessel at Grosse Isle, on board of which there shall be, or shall have been during the passage, any case of cholera, fever, small-pox, or severe cases of scarlatina or measles, and in all other cases where it shall be considered necessary by the medical superintendent, steerage passengers shall be landed with their baggage, and washed and purified under the direction of the medical superintendent.

The passengers in the principal cabin shall not be landed except in cases of sickness, and may at all times proceed with the vessel, or otherwise, after having washed and purified their luggage to the satisfaction of the medical superintendent, and received his certificate to that effect.

#### 9. *Vessels.*

All vessels liable to make their quarantine at Grosse Isle, on their arrival there shall anchor between Grosse Island, Cliff Island, Two Heads Island, and the White Buoy, until boarded by the marine boarding officer, and the medical superintendent if necessary, and after receiving a clean bill of health, may proceed to the harbour of Quebec, and if they shall not have been detained at Grosse Isle, on account of sickness, or suspicion thereof, may, as shall also all vessels not liable to make their quarantine at Grosse Isle, anchor at any place off the town, and there remain without communication with the shore, or any other vessel or boat, until finally discharged from quarantine by the inspecting physician for the port of Quebec; but that if such vessels shall have been detained at Grosse Isle from sickness, or suspicion thereof, they shall anchor at the mouth of the river St. Charles, and there remain, until finally discharged from quarantine by the inspecting physician of the port of Quebec.

All vessels detained in quarantine at Grosse Isle shall be cleansed and ventilated, and their between decks, if not painted or varnished, shall be whitewashed; but if painted or varnished, shall be well and thoroughly scrubbed with soap and water or ley, and such portion of the ballast shall be thrown overboard as the medical superintendent may deem requisite, under the immediate superintendence of the marine boarding officer, or such other person as the medical superintendent shall appoint for that duty.

#### *Inspecting Physician at Quebec and Harbour Master.*

An inspecting physician at Quebec shall, accompanied by the harbour master, go off to all vessels arriving at Quebec, or at the mouth of the river St. Charles, and put the questions to the master or person in charge, as required by the second section 35 Geo. III. c. 5; and moreover, he shall require all masters or persons in charge of vessels liable to make their quarantine at Grosse Isle, to exhibit to him the licence or passport which they may have received from the medical superintendent at the quarantine station; and such masters or persons in charge are hereby commanded forthwith to submit the same for examination to the said inspecting physician at Quebec, who, if satisfied as well from the answers he may receive as from the tenour of the passport, and the actual state of health of the passengers and crew, that sickness does not exist on board, shall then grant to the master or person in charge of such vessel a certificate in writing, setting forth the healthy state of the passengers and crew, to the end that such vessel may obtain a final discharge from quarantine, which shall forthwith be given to the master or person in charge of such vessel accordingly; but if, on the contrary, such inspecting physician at Quebec shall find any case of sickness on board, or have just cause, from any circumstance whatsoever, to apprehend the breaking out of any malady, it shall then be the duty of such inspecting physician at Quebec to direct a yellow flag to be hoisted at the maintop-gallant mast-head, and he shall cause the vessel to return to and be detained at the mouth of the river St. Charles, for further observation and inspection; and, having acquainted the master or person in charge of such vessel with the penalties he will incur if he should permit any communication whatever with his vessel until released from quarantine, he shall proceed immediately to report all the circumstances to the civil secretary of his Excellency the Governor, Lieutenant-Governor, or person administering the government. Provided always, that if it shall appear to the said inspecting physician, at any time after the arrival of any such vessel at Quebec, or during the detention at the mouth of the river St. Charles, that pestilential disease prevails on board of any such vessel, or that it would be most advisable that such vessel should return to Grosse Isle, there to land its passengers, or that such vessel is of the description of those liable to make their quarantine at Grosse Isle, and has not been discharged by the medical superintendent there, in such case he shall and may order and direct the master or person in charge immediately to return thereto, and such master or person in charge is hereby directed to obey such order; and the proper officers at Grosse Isle shall observe, in respect of such vessels, the same rules and regulations as are provided for vessels arriving at Grosse Isle inwards with sick, or as are liable to quarantine there, as the case may be. Should the inspecting physician at Quebec



meet with any resistance in the discharge of the duty required of him by this regulation, he will immediately make such signal as may be determined on by himself and the harbour-master, to show that assistance is necessary.

When a vessel arrives at Quebec, or shall be sent back to the mouth of the river St. Charles, it shall become the duty of the harbour-master to convey the inspecting physician at Quebec on board of the same when required, and to support the said inspecting physician in the due enforcement of the above-mentioned rules and regulations.

The harbour-master shall seize any boat in which any person may attempt to communicate from the shore, or from any other vessel, with any vessel not discharged from quarantine. He shall also seize every boat in which persons may have actually communicated with any such vessel, and compel the persons having so communicated to return on board and remain in quarantine, making use of such means as he may find necessary to enforce obedience to any of the regulations hereinbefore made, or which shall be hereafter made, either by firing guns, or any other kind of force or violence.

Any steam-boat or other vessel that shall have towed or otherwise communicated with a vessel not having the discharge from quarantine of the medical superintendent at Grosse Isle, shall be subject to the same regulations and instructions as hereinbefore provided respecting vessels not discharged from quarantine.

The harbour master shall also report to the civil secretary of his Excellency the Governor-General, or of the person administering the government of this province for the time being, all such occurrences without delay.

While the district of Quebec shall continue free from any dangerous and infectious disease, all vessels trading between any ports or places situated within the said district, and not having touched at any port or places without the said district, nor communicated with any other vessels which shall have arrived from any port without the said district, shall be exempt from the foregoing rules and regulations, so far as respects the necessity of going to or stopping at Grosse Isle, unless the Governor-General shall at any time think fit to order to the contrary; nor shall the said rules and regulations apply to any vessel of war, or to transports, or vessels having Queen's troops on board, or Her Majesty's mail, arriving at Grosse Isle, accompanied by a medical officer, and in a healthy state.

Now, therefore, We do require and command all Our judges, justices, officers and ministers of justice, and all our loving subjects, and all persons whomsoever, whom the same may concern, to take notice of the premises, and govern themselves accordingly.

In testimony whereof, We have caused these Our letters to be made patent, and that the Great Seal of Our said province of Lower Canada to be hereunto affixed.

Witness Our trusty and well beloved the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same, &c. &c.

At Our Government House, in Our city of Montreal, in Our province of Lower Canada, the 16th day of April, in the year of our Lord 1840, and in the third year of Our reign.

(Signed) D. DALY,  
Secretary of the Province.

No. 22.

(No. 90.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD, Government House, Montreal, 21st April, 1840.

I HAVE the honour to inform your Lordship that the Special Council met yesterday, when I submitted to them several Ordinances for continuing Acts or Ordinances which would otherwise expire on the 1st of May next. It is my intention also to submit to them Ordinances founded on the instructions contained in your Lordship's despatch of the 28th October last (No. 28), for rendering permanent such of the Ordinances of the session of 1839 as it will be necessary to continue beyond 1842.

There are likewise several questions of great importance, to which I have already adverted in my despatches to your Lordship, which I propose to bring before the Special Council; but in order fully to mature the Ordinances which I shall have to submit on those questions, it may probably be necessary to adjourn the Council and resume their sittings at a later period.

I have much satisfaction in reporting that the province is in a state of entire tranquillity, and that the excitement which lately prevailed on the question of the seminary of Montreal and the union has very much subsided. With respect to the latter question, I am informed that the parties in Quebec who originated the petition to the Crown and Parliament against the union have been unable to agree as to the agent who should be sent home to represent them, and that latterly the number of signatures affixed to the petition has been much smaller than they ex-

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For Despatch 28th  
Oct. 1839, *vide*  
Correspondence  
relative to the  
Affairs of Canada,  
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pected. I think it probable, therefore, that after all no agent will be sent to England, or at least none for a considerable time.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

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No. 23.

(No. 142.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Hon. C. POULETT THOMSON.

No. 23.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
29th May, 1840.

SIR,

Downing-street, 29th May, 1840.

I HAVE to acknowledge the receipt of your despatch, No. 90, of the 21st of April reporting your proceedings at the meeting of the Special Council on the preceding day, together with your intentions in respect to laying before them certain Ordinances and questions of importance which require their deliberation.

I shall be happy to be apprised of the result of the proceedings to which you refer, whenever you can communicate them to me.

The further intelligence conveyed in your despatch of the prevalence of entire tranquillity in the province is very satisfactory, and I am glad to find that the excitement on the question of the seminary at Montreal and the union has subsided so much.

I have, &c.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.

(Signed) J. RUSSELL.

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No. 24.

(No. 99.)

COPY of a DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

No. 24.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
2d May, 1840.

MY LORD,

Government House, Montreal, 2d May, 1840.

I OBSERVE by the papers that, on the 30th March last, Mr. Pakington took occasion in the House of Commons to ask your Lordship certain questions in regard to the bishops of Montreal and Toronto. With respect to the latter, he is reported to have said that Dr. Strachan had been deprived of his salary as President of King's College, in consequence of his appointment as bishop, contrary to the agreement made with him when he accepted the episcopal office, a proceeding which he described as "cruel and unjust."

It is evident that if these expressions were used by Mr. Pakington, it must have proceeded from his ignorance of the circumstances under which the salary of the President of King's College was discontinued. I feel it, therefore, my duty to state those circumstances to your Lordship as I gathered them whilst in the Upper Province, as well as to bring to your notice some others relating to the connexion of the Bishop of Toronto with that establishment, which I had hitherto delayed doing, from a disinclination to enter upon transactions which I cannot consider creditable to the parties concerned.

Your Lordship is aware that many years ago a royal charter was passed for the establishment of a university in Upper Canada, and that by that instrument the Archdeacon of York was appointed *ex officio* President.

From various causes which have at different times been fully reported to your Lordship's predecessors, the institution, notwithstanding that it enjoyed a considerable endowment, was not then, nor has it been since, brought into operation. Nevertheless officers were appointed, principally for the management of the estate, and salaries were assigned to them. A salary of 250*l.* sterling was also attributed to the President. At what period Dr. Strachan first received this salary I am unable, without reference to Upper Canada, to state, but the records of the Colonial Office will supply the deficiency. From the Enclosures, however, to Sir George Arthur's Despatch to your Lordship of the 8th June, 1839, you will perceive that up to that date the bishop had continued to draw it.

But in the course of last year an investigation having been instituted by Sir George Arthur into the management of King's College, the fact that the President was annually drawing from its funds an income of 250*l.* sterling, was brought to



his notice. Considering that no duties of any kind beyond those of other unpaid members of the council were attached to the office, that there was no immediate prospect that the institution would be put into operation, and that every shilling taken from its revenue was so much deducted from the means of education in Upper Canada, already most deficient: it appeared to him impossible any longer to permit such an appropriation of its funds. In this opinion I entirely concur, and I am confident that your Lordship will approve the course which Sir George Arthur adopted. It is indeed difficult to understand how the considerations by which he was actuated should so long have escaped the notice of the bishop himself.

But the inquiry into the state of King's College, and the production of some returns called for by the assembly, brought out other irregularities in the management of the institution. Thus it appeared that the accounts of the bursar were very much in arrear, and it became necessary, therefore, to remove him, and to appoint another officer in his place; and it was also shown that a very considerable sum had been borrowed from the funds of the university by the President for his private purposes, on the security of various notes of hand, and that several of those notes had not been paid when due.

Upon my entering on the duties of chancellor of the university, the finances of that body naturally demanded my attention, and I was compelled to institute some inquiries respecting the accounts which were rendered to me.

This correspondence I now enclose, and I have only to say that it was not without considerable hesitation that I could satisfy myself with only recording my opinion in the minute to the council which closed it, instead of proceeding to further measures.

In regard to the Bishop of Montreal, your Lordship is reported to have said that an arrangement was under the consideration of the Lords Commissioners of the Treasury for the consolidation of his present offices, and the appointment of his curate to be rector of Quebec, at the same salary as is now assigned to him by the bishop. I trust, however, that this arrangement may not be concluded without giving me an opportunity of expressing my opinion upon it.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

(Copy.)

Enclosure 1, in No. 24.

SIR,

Toronto, 3d February, 1840.

WITH reference to the Reports of the Committee on the affairs of King's College transmitted to his Excellency, and to the accounts sent for presentation to Parliament, I am commanded by the Governor-General to state that his Excellency wishes for detailed information upon the following points:—

Encl. 1, in No. 24.

It appears that the late bursar's accounts have been greatly in arrear, and that upon the 1st July, no less a sum than over 13,000*l.* was owing by him, of which about 7,000*l.* have been paid, leaving 6,306*l.* due. His Excellency desires to be informed what steps have been taken to recover this balance.

His Excellency wishes to have a copy of the minute or order under which the bursar was appointed, and also to be informed whether any and what security was required from him, or, if not, upon what grounds it was considered expedient to dispense with such ordinary guarantee.

It appears that considerable sums have been given out on loan to members of the council. His Excellency wishes for copies of the minutes under which such loans were authorized—a statement upon what security such loans were made—if upon notes of hand, an account of the period at which they fall due: and he desires to be further informed whether steps have been taken to prevent the recurrence of so highly objectionable a practice as lending the funds of the institution to those engaged in its management.

I have, &c.,

(Signed)

T. W. C. MURDOCH, Chief Secretary.

Dr. Boys, Bursar.

Enclosure 2, in No. 24.

(Copy.)

SIR,

King's College Office, Toronto, 11th February, 1840.

IN reference to your letter of the 3d instant requiring, by command, certain particulars respecting the debt to King's College of Lieutenant-Colonel Wells, the late bursar; and of the loan made by the college to the Honourable and Venerable Archdeacon of York, now

Encl. , in No. 24.

G

No. 24.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
2d May, 1840.  
Encl. 2, in No. 24.

Bishop of Toronto, I have the honour to state, for the information of his Excellency the Governor-General, that the late bursar, immediately on the state of his balance being ascertained, assigned over to the college by way of mortgage, property to a greater amount in estimated value than the amount of his deficiency. The property consisting of various estates, it has taken much time to prepare the legal documents necessary to complete the assignments, but I find from the Attorney-General they will be completed in a few days; in the mean time the deeds are in possession of the college. It is not apprehended that the college can suffer any loss eventually in this case, but it may be a considerable time before the different estates can be advantageously disposed of. Interest will in the mean time be charged against the late bursar. Since his removal the late bursar has paid in by small instalments 750*l.*, and his debt at this time, including some small sums that have been brought against him since his removal, amounts to 5,924*l.* The minutes appointing the late bursar are as follows:—

At the first meeting of the College Council, being on the 8th January, 1828, the following minute was made:—“His Excellency the Chancellor (Sir Peregrine Maitland) was pleased to appoint James Givens, jun., Esq., registrar, and the Honourable Joseph Wells, bursar of King’s College.” And at a meeting of the council on the 16th March, 1833, the following minute was made. “The President read a letter from his Excellency the Lieutenant-Governor (Sir John Colborne) appointing Lieutenant-Colonel Wells to be registrar of King’s College, vice Mr. G. H. Markland, appointed Inspector-General.” It does not appear from the minutes of the council that the late bursar was ever called upon to give security for the due performance of his office; nor is it known to any of the present members of the council upon what grounds it was considered expedient to dispense with such ordinary guarantee.

In respect to the loan made to the present Bishop of Toronto, the following minute was made by the council at their meeting on the 7th January, 1837:—“The bursar laid before the council a letter which he had received from the Honourable and Venerable the Archdeacon of York proposing to the College Council to take on interest a sum not exceeding, 5,250*l.* of their funds now lying or hereafter to come into the hands of the bursar, upon depositing as security the following promissory notes now held by the archdeacon.

		£.	s.	d.
Honourable William Morris, four notes of 187 <i>l.</i> 10 <i>s.</i> , all dated 24th December, 1836, payable one, two, three, four years after date, with interest . . . . .				
		750	0	0
Allan MacNab, Esq.	ditto . . . . .	750	0	0
John Barwick, Esq.	ditto . . . . .	750	0	0
Benjamin Thorne, Esq.	ditto . . . . .	750	0	0
Thomas G. Ridout, Esq.	ditto . . . . .	750	0	0
John Ross, Esq.	ditto . . . . .	750	0	0
John Radenhurst, Esq.	ditto . . . . .	750	0	0
Total . . . .		£5,250	0	0

The council, being perfectly satisfied of the sufficiency of the security, sanction the investing the amount required to bear interest from the time the money may be advanced, the securities to be endorsed by the archdeacon. The present state of these notes is as follows.

Payable 24th December.

	1837.			1838.			1839.			1840.			Total.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Hon. Wm. Morris . .	..			..			..			..			750	0	0
Hon. Sir J. A. MacNab . . . . .	..			187	10	0	187	10	0	187	10	0	750	0	0
John Barwick, Esq. .	..			..			187	10	0	187	10	0	750	0	0
Benj. Thorne, Esq. .	..			..			..			187	10	0	750	0	0
T. G. Ridout, Esq. .	187	10	0	187	10	0	187	10	0	187	10	0	750	0	0
John Ross, Esq. .	187	10	0	187	10	0	187	10	0	187	10	0	750	0	0
John Radenhurst, Esq.	187	10	0	187	10	0	187	10	0	187	10	0	750	0	0
Total . . .	1,312	10	0	1,312	10	0	1,312	10	0	1,312	10	0	5,250	0	0

Those lined out are already paid. The twelve now due are placed in the hands of the Attorney-General for collection, and the remaining six are not yet due. These notes being all endorsed by the bishop afford a perfect security to the institution against any eventual loss. Having applied to the bishop for any further explanation on this subject he might wish to offer, I beg leave to enclose you a copy of his lordship’s answer.

It does not appear that any rule or ordinance has been made to prevent in future the loaning of the funds of the institution to those engaged in its management.

I have the honour to be, Sir,  
Your most obedient humble Servant,  
(Signed) H. Boys, Bursar and Registrar, K. C.

T. W. C. Murdoch, Esq.  
Chief Secretary.



(Copy.)

SIR,

Toronto, 10th February, 1840.

No. 24.  
 The Right Hon.  
 C. P. Thomson to  
 Lord John Russell.  
 2d May, 1840.  
 Encl. 2, in No. 24.

—IN reference to the latter part of Mr. Secretary Murdoch's letter dated the 3d instant, which I have only this moment seen, and upon which you request any explanations I may have to offer, I have first to express my regret that his Excellency the Governor-General had not been made acquainted with the facts of the case before such communication was written, and next my inability to acquiesce in the language of censure which Mr. Murdoch has thought fit to employ respecting a matter of business in which I happen to be concerned.

Many years ago I borrowed nearly 8,000*l.* from my friends Messrs. Clarke and Street, of Niagara, to complete some domestic arrangements. This money was given me on my personal security, and to be repaid with interest at my convenience. The lamented death of Mr. Clarke disturbed this arrangement, for his heirs in Scotland intimated their wish to realize the estate as soon as possible. To meet this wish I disposed of a very valuable property to a company of eight gentlemen among the first in the province for wealth and respectability, to be paid by annual instalments with interest. A portion of the securities given by the purchasers (but retaining my responsibility for their certain discharge) was transferred with the full consent and approbation of the College Council at one of its meetings (as may be seen by the minutes) to the bursar for their value of 5,250*l.*, as he happened at that time to have investments to make.

It was a common money transaction of the most simple kind, and the securities such as no gentleman or monied institution in the province would have for a moment refused; they are more ample than Messrs. Clarke and Street required from me for a much larger sum, and I consider myself under no sort of obligation to the College Council, as it would have been easy for me at the time to have made a similar arrangement elsewhere.

It is true the rebellion and disturbed state of the province have produced difficulties in the payments which could not have been anticipated, but I am responsible for all deficiencies, and I am bound to protect the college against ultimate loss either in capital or interest.

But to prevent the occurrence of anything unpleasant in this matter I have to request you to furnish me with a detailed account of the notes and the balance due on the 1st of January last, that I may at the expiration of every six months meet the accruing interest or deficiency of interest thereon, so that the regular income of the college may be secured against temporary diminution, till the said balance be finally adjusted, which will, I trust, take place at no distant period.

I have the honour to be, Sir,  
 Your obedient humble Servant.

Dr. Boys, Bursar.

(Signed) JOHN TORONTO.

Enclosure 3, in No. 24.

(Copy.)

THE bursar was desired to furnish the dates under which the different loans were advanced, to which the following reply was given:— Encl. 3, in No. 24.

SIR,

King's College Office, Toronto, 12th February, 1840.

THE money loaned by the University of King's College to the present Bishop of Toronto, was advanced at the following dates:—

	£.
2d January, 1836 . . . . .	1,000
9th January, 1837 . . . . .	2,000
21st February, 1837 . . . . .	2,250
Total . . . . .	£5,250

I have, &c.

(Signed) H. Boys, Bursar, King's College.

The Right Hon. C. Poulett Thomson,  
 &c. &c. &c.

(Copy.)

Enclosure 4, in No. 24.

As it appeared from the dates given in on the 12th February, that one sum of 1000*l.* was advanced to the Bishop of Toronto on the 2nd of January, 1836, whilst the authority of the council to the loan was only given on the 7th January, 1837, application was made to know if there was not a mistake in the first date given in, to which the following reply was made:— Encl. 4, in No. 24.

SIR,

King's College Office, Toronto, 14th February, 1840.

In reference to your note of this date, this instant received, I request you will inform his Excellency that the date of the first payment to the Bishop is correctly stated to be on the 2nd January, 1836, and that there is no minute of council, or authority for the transaction.

I have, &c.

A. Symonds, Esq.

(Signed) H. Boys, Bursar, K. C.

No. 24.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
Encl. 5, in No. 24.

Enclosure 5, in No. 24.

Toronto, 15th February, 1840.

SIR,

Your letters of the 11th, 12th, and 14th instant, have been laid before the Governor-General, together with the Enclosure. With reference to the defalcation in the accounts of the treasurer, and the omission to take security from that officer, his Excellency is sorry to find that no remedy now seems possible, and it is only to be hoped that the property of the late treasurer may be found sufficient to prevent ultimate loss to the university.

With respect to the loan of money stated to have been made to the Bishop of Toronto upon the security of certain notes of hand, and upon the subject of which in addition to your remarks, a letter has been transmitted, addressed so yourself by the right reverend prelate, I am commanded to inform you that his Excellency the Governor-General, feels himself compelled to record his opinion for the information of the council.

His Excellency wishes to abstain altogether from the consideration of the circumstances under which the loan was sought, alluded to in the letter of the right reverend prelate, and upon which he had neither the desire nor the right to require any explanation. The points on which he is called upon to express an opinion, as Chancellor of the University, are the circumstances under which the loan was made by the council, and the action that has been taken upon the securities given.

It appears that a loan of a considerable sum was made by the council to one of the members of the Board, such a proceeding his Excellency cannot by any means view in the light of an ordinary money transaction. The employment of the funds of a public trust by one of the trustees, for his own advantage, is a proceeding which in his opinion is highly objectionable, and calculated to destroy the confidence of the public in the management of the university.\* With regard to the second point, his Excellency regrets to be obliged to remark that a proper course has not in his opinion been pursued. It appears from the statement that no less than 11 notes of hand are over due, of which three have been due since the year 1837, three since 1838, and the remainder since the 24th December, 1839. In business of this kind, punctuality should always be observed, but in the affairs of a public trust, a scrupulous regard to it appears above all things desirable. If a note of hand be not discharged at maturity by the party first liable, the simple and ordinary course is to call upon the endorser (if any) to do so: no such steps seem to have been taken, and the signatures of these bills have been permitted to remain dishonoured, some of them for a very considerable time.

I have, &c.

Dr. Boys, Bursar.

(Signed)

T. W. C. MURDOCH, Chief Secretary.

No. 25.

(No. 102.)

COPY of DESPATCH from the Right Hon. C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Government House, Montreal, 5th May, 1840.

No. 25.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
5th May, 1840.

With reference to that part of my Despatch of the 17th ultimo, No. 86, in which I stated my intention of renewing the emigrant tax, and informed you of the steps I intended taking for its beneficial appropriation, I regret to be compelled to say that the law officers, on preparing the ordinance, have discovered that it is not within the competence of the Special Council to pass such a law. This tax was first imposed by the Assembly, and has since been renewed annually by the special council, which under the provisions of the 1 Vic. c. 9. sec. 3, it was perfectly in their power to do. But, most unfortunately, last year the renewing ordinance, instead of being enacted for one year, was limited by my predecessor to the 1st of November, that period being the close of the shipping season, and, therefore, being considered as practically to the same effect as a renewal for the year.

On the 1st of November, therefore, the ordinance expired, when of course no Special Council was in session.

The result is, as I am informed by the law officers, that the imposition of this tax now must be considered as a revival and not as a renewal, consequently that no power exists in the Special Council, under the provisions of the above-mentioned Act, or under the more extend powers conferred by the 2nd Vic. cap. 53, sec. 3, to reimpose these charges and that the fund falls to the ground.

This is deeply to be regretted, for whilst the means of affording assistance to the emigrants will thus be cut off, they will undoubtedly have themselves paid the charge which is always included by the shipmaster in the amount of passage money.

It becomes, however, a most serious consideration what means are to be resorted to under this difficulty for affording assistance to such emigrants as may stand abso-

\* In England such a transaction would be visited with severity in a Court of Equity.



lutely in need of it, as well as for aiding and directing them to places where work may be obtained, a most important object, as without some such assistance it is probable that numbers may resort to the States, and thus defeat one of the main advantages of the emigration. The question is rendered more serious, likewise, as there seems to be a very great probability of a very large emigration this season, and that composed in a great degree of very indigent persons.

I have provided for the expense of the establishment at Grosse Isle, which it was my intention to defray from this source, by vote of the Special Council, but in the present state of the finances of this province, there are no funds whatever, from which I can obtain the means of doing more than that. The large amount of fresh expenditure, or of engagements entered upon by my predecessor, have completely absorbed all the revenue of the province for the year beginning the 1st of last October, and must leave a deficiency upon the account.

Under these extraordinary circumstances, I must submit to your Lordship the propriety of entrusting me with a discretionary power to provide assistance, in the manner I propose, out of imperial funds, to the extent of a sum of 5,000*l.* to 6,000*l.* You may rely upon my using this power with the utmost possible caution, and taking care that whatever funds may be called for, shall be appropriated with the utmost economy. But without such assistance, I am really at a loss to know what to do, and should anticipate very serious consequences.

As the matter is of so urgent a nature, I will express my hope that I may be favoured with an immediate reply.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 25.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
5th May, 1840.

No. 26.

(No. 145.)

EXTRACT of a DESPATCH from Lord JOHN RUSSELL to the Right Honourable C. POULETT THOMSON.

SIR,

Downing-street, 30th May, 1840.

I HAVE received your Despatch, No. 102, of the 5th of May, explaining that you were unable, for the reasons therein stated, to obtain the re-enactment by the Special Council of the Ordinance imposing a tax on emigrants, which had expired on the 1st of last November, and representing the necessity of providing the means of assistance for such emigrants as should absolutely require it on their arrival in Canada.

It is undoubtedly very important that you should have the power of rendering medical aid to sick emigrants, and of temporarily supporting them until they can be directed to places where work is to be obtained.

I am so much alive to the force of those reasons, that having your assurance that the funds of the province will not admit at present of any charge of this description being thrown on them, and taking into consideration that the Special Council are not competent to re-enact the Ordinance imposing the tax on emigrants, I have considered myself justified in advising the Lords Commissioners of the Treasury to sanction the payment out of the vote for Canada of the sum of 5,000*l.* or 6,000*l.* for this service, which is the amount you have named.

No. 26.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
30th May, 1840.

No. 27.

(No. 103.)

COPY of a DESPATCH from the Right Honourable C. POULETT THOMSON to Lord JOHN RUSSELL.

MY LORD,

Government House, Montreal, 5th May, 1840.

WITH reference to the concluding paragraph of my Despatch of the 21st ultimo, No. 90, I have the honour to inform your Lordship that Mr. Têtu, of Quebec, goes home by the "Great Western" steamer as bearer of the signatures to the anti-union petition from the district of Quebec. Mr. Têtu is a person of no

No. 27.  
The Right Hon.  
C. P. Thomson, to  
Lord John Russell.  
5th May, 1840.

No. 27.  
The Right Hon.  
C. P. Thomson to  
Lord John Russell.  
5th May, 1840.

importance or note, and is not, as I understand, authorized to act as the agent or representative of the parties who have signed this petition. The number of signatures is much less than had been anticipated, and three-fourths of the whole are crosses; while a very small proportion, indeed, belong to persons of British extraction.

I have, &c.

(Signed)

C. POULETT THOMSON.

The Right Hon. Lord John Russell,  
&c. &c. &c.

No. 28.

(No. 144.)

COPY of a DESPATCH from Lord JOHN RUSSELL to the Right Honourable C. POULETT THOMSON.

No. 28.  
Lord John Russell  
to the Right Hon.  
C. P. Thomson.  
30th May, 1840.

SIR,

Downing-street, 30th May, 1840.

I HAVE to acquaint you that I have duly received your Despatch of the 5th instant, No. 103, stating that Mr. Têtu, of Quebec, was coming to England with the petition against the union of the Canadas from the district of Quebec, to which you referred in Despatch No. 90.

I have, &c.

(Signed)

J. RUSSELL.

The Right Hon. C. Poulett Thomson,  
&c. &c. &c.



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U P P E R C A N A D A.

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From Lord John Russell and Lieutenant-Governor Sir  
G. Arthur, K.C.H.

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## SCHEDULE.

### UPPER CANADA.

FROM LORD JOHN RUSSELL, AND LIEUT.-GOVERNOR SIR GEORGE ARTHUR,  
K.C.H.

No.	Date. 1840.	SUBJECT.	PAGE
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2. Lord John Russell to Lieut.-Governor Sir G. Arthur	April 23	Acknt. of Despatch of March 26	57
3. Lieut.-Governor Sir G. Arthur to Lord John Russell	April 23	Accidental destruction of part of the Town of Kingston by Fire .	57
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5. Lieut.-Governor Sir G. Arthur to Lord John Russell	April 24	Attempt to destroy the Monument to Major-General Sir Isaac Brock on Queenston Heights .	58
6. Lieut.-Governor Sir G. Arthur to Lord John Russell	May 6	State of the monument to Sir Isaac Brock—State of Kingston —Tranquillity of the country .	59



From Lord John Russell and Lieutenant-Governor Sir  
George Arthur, K.C.H.

No. 1.

(No. 16.)

EXTRACT of a DESPATCH from Lieut.-Governor Sir G. ARTHUR to Lord JOHN RUSSELL, dated Government House, Toronto, 26th March, 1840.

I CANNOT doubt it will be satisfactory to your Lordship to be informed, down to the latest period, that the province is in a perfectly tranquil state.

"Responsible Government," upon which no two persons appear entirely to agree, is the only agitating subject. A deep anxiety is, no doubt, felt for the decision of the Imperial Parliament respecting the union of the provinces and the disposal of the clergy reserves; but neither subject is any longer discussed with violence.

On the frontier all is quiet, and the citizens of the States manifest an anxiety to cultivate a good understanding with our military officers, with whom there is as much intercourse kept up as is desirable.

This feeling will, I hope, soon extend itself to other classes of the community, than which nothing could be more desirable; nor is there any point which I have been more solicitous to gain.

There are occasional rumours of meditated mischief in Canada, and of preparations in the United States; but they are not to be treated beyond mere rumours; and a more quiet time for the introduction of any measures meditated by Her Majesty's Government cannot reasonably be expected.

No. 1.  
Sir G. Arthur to  
Lord John Russell.  
26th March, 1840.

No. 2.

(No. 74.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lieut.-Governor Sir G. ARTHUR.

SIR,

Downing-street, 23d April, 1840.

I HAVE received your Despatch, No. 16, of the 26th of March, reporting that the province of Upper Canada is perfectly tranquil, and that the feeling of the country on public affairs renders the present a very appropriate opportunity for introducing into Canada the changes proposed by Her Majesty's Government.

I have to convey to you my acknowledgements for the satisfactory intelligence respecting the Upper Province, which is contained in your Despatch; and I am happy to avail myself of this occasion to express to you the full confidence which I have in your devotion to The Queen's service, especially after the judicious conduct which you have observed during the presence of the Governor-General in Upper Canada.

Lieut.-General Sir G. Arthur,  
&c. &c. &c.

I have, &c.  
(Signed) J. RUSSELL.

No. 2.  
Lord John Russell  
to Sir G. Arthur.  
23d April, 1840.

No. 3.

(No. 23.)

COPY of a DESPATCH from Lieut.-Governor Sir GEORGE ARTHUR to Lord JOHN RUSSELL.

MY LORD,

Government House, Toronto, 23d April, 1840.

I REGRET to be under the necessity of informing your Lordship of the destruction of a considerable part of the town of Kingston, in this province, by fire, on the 18th instant.

No. 3.  
Sir G. Arthur to  
Lord John Russell  
23d April, 1840.

No. 3.  
Sir G. Arthur to  
Lord John Russell.  
23d April, 1840.

It appears that on the morning of that day the wind was blowing very strongly from the southward, in consequence of which the captain of the steam-boat "Telegraph," belonging to the United States, found it necessary to remove from the harbour to prevent her being injured upon the wharf.

It is supposed some sparks from her chimneys communicated with a new warehouse recently erected on the Ottawa and Rideau Wharf, which was speedily in flames.

In consequence of the strong wind, the fire spread with great rapidity to the adjoining wharf, and from that northwards to the market square, and to Brock-street, and King-street; and was proceeding rapidly, when providentially, about three o'clock, the wind changed to the westward, and the fire was got under about daybreak.

The destruction of property has, however, I regret to state, been very great. The Ottawa and Rideau Wharf, the steamer "Cataraqui," the schooner "Lord Nelson," about 10,000 barrels of flour, pork, and potash, a large quantity of wheat, grain, and merchandize have been entirely consumed. The entire block of houses, with the exception of four, formed by King, Store, Water, and Brock-streets, also the northern side of the market square, and many other houses have been entirely destroyed.

I am happy, however, to be able to state that no lives have been lost, notwithstanding the explosion of a large quantity of gunpowder in one of the warehouses, although several severe accidents have taken place.

It is satisfactory also to be able to state that there is not the slightest reason to believe that the fire originated otherwise than accidentally, and that all persons on the spot seemed to exert themselves to the utmost to save such property as they could, and to alleviate the distresses of the sufferers.

I have, &c.

(Signed) GEO. ARTHUR.

The Right Hon. Lord John Russell,  
&c. &c. &c.

#### No. 4.

(No. 84.)

COPY of a DESPATCH from Lord JOHN RUSSELL to Lient.-Governor Sir GEORGE ARTHUR.

No. 4.  
Lord John Russell  
to Sir G. Arthur.  
29th May, 1840.

SIR,

Downing-street, 29th May, 1840.

I HAVE to acknowledge the receipt of your Despatch, No. 23, of the 23d April, communicating the destruction of a considerable part of the town of Kingston, Upper Canada, by fire, on the 18th of April.

I have received this intelligence of the fire and extensive loss of property with the most sincere concern; but it is consoling to find that no lives have been lost, and that there is no reason for doubting that the fire originated accidentally.

I have, &c.,

(Signed) J. RUSSELL.

Major-General Sir Geo. Arthur,  
&c. &c. &c.

#### No. 5.

(No. 24.)

COPY of a DESPATCH from Major-General Sir GEORGE ARTHUR to Lord JOHN RUSSELL.

No. 5.  
Sir G. Arthur to  
Lord John Russell.  
24th April, 1840.

MY LORD,

Government House, Toronto, 24th April 1840.

I HAVE the honour to inform your Lordship, that on the 17th instant a most disgraceful attempt was made to destroy the monument, erected on Queenston Heights by the people of this province, to the memory of that gallant officer, the late Major-General Sir Isaac Brock, which I regret to state has been but too successful.

From the details furnished by Colonel Swan, the police magistrate on the Niagara frontier, in his reports, copies of which I enclose for your Lordship's information, it appears that the injury to the monument was effected in the night time by means of gunpowder deposited within it.



The column is much injured, so much so, as to be almost irreparable; and it will probably be necessary to have it taken down.

From the information which has been obtained by Colonel Swan, it would appear that the perpetrators of this wanton and disgraceful act, came from Lewiston, in the United States' side of the Niagara river, and there is reason to believe that the notorious Benjamin Lett, the person suspected of being the murderer of the late Mr. Usher, was in some measure connected with it. This person is constantly to be found on the United States frontier, boasting of his deeds upon the Canada side.

Immediately on hearing of this outrage, I issued, by the advice of the Executive Council, a proclamation, a copy of which I enclose, offering 250*l.* reward for the discovery and conviction of the perpetrators.

I have directed every means to be taken to arrive at an accurate knowledge of the facts connected with this outrage, which has caused a great sensation here, the memory of General Brock being much and deservedly respected by all classes.

As soon as I shall have received all the information which seems likely to be obtained, it is my intention, with a view to the proceedings of Lett being fully made known to Her Majesty's minister at Washington, to make a communication on the subject to Mr. Fox.

I have, &c.

(Signed) GEO. ARTHUR.

The Right Hon. Lord John Russell,  
&c. &c. &c.

Enclosure in No. 5.

Proclamation.—Upper Canada.

GEO ARTHUR.

Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c. &c. &c.

Encl. in No. 5.

To all to whom these presents shall come, greeting :

WHEREAS some evil-minded and malicious person or persons unknown did, on the morning of Friday, the seventeenth day of April instant, explode a quantity of gunpowder under the Monument of the late gallant and much lamented Sir Isaac Brock, on Queenston Heights, for the purpose of destroying the pillar erected by the people of this province, in honour and grateful admiration of the devoted zeal and heroism in their defence, through which he lost his life, during the late war with the United States.

Now know ye, that for the better apprehending and bringing to justice the perpetrator or perpetrators of such wicked and disgraceful outrage, a Reward of Two hundred and fifty pounds, of lawful current money of this province, is hereby offered, and will be paid to any person or persons (not being a principal actor or principal actors in the said outrage) who shall discover, apprehend, and prosecute to conviction, or give such information as shall lead to the discovery, apprehension, and conviction of the person or persons by whom the said offence was perpetrated or committed.

In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said province to be hereunto affixed : witness our trusty and well-beloved Sir George Arthur, K.C.H., Lieutenant-Governor of our said Province, and Major-General Commanding our Forces therein, at Toronto, this eighteenth day of April, in the year of our Lord one thousand eight hundred and forty, and in the third year of our reign. G. A.

By command of his Excellency in Council.

W. H. DRAPER, Attorney-General.

R. A. TUCKER, Secretary.

No. 6.

(No. 32.)

EXTRACT of a DESPATCH from Lieut.-Governor Sir G. ARTHUR to Lord JOHN RUSSELL.

Government House, Toronto, 6th May, 1840.

I HAVE the honour to report (by the "Great Western," which sails on the 9th instant) that there is perfect tranquillity on the frontier of this province.

The destruction of "Brock's monument," reported in my Despatch No. 24, of the 24th ultimo, naturally created some temporary excitement; but, on personally visiting the Niagara frontier, it was very satisfactory to me to find that several American citizens had put themselves into communication with the magistrates on the British side, and had evinced, or, at least, expressed an earnest desire to co-

No. 5.  
Sir G. Arthur to  
Lord John Russell.  
24th April, 1840.

No. 6.  
Sir G. Arthur to  
Lord John Russell.  
6th May, 1840.

No. 6.  
Sir G. Arthur to  
Lord John Russell.  
6th May, 1840.

operate in the endeavour to discover the parties who committed this wicked outrage.

From the examinations taken, there can be no question that Benjamin Lett was the chief agent concerned; but I do not know that anything can be done with him, however distinctly the facts may be brought home.

Although very much shattered, as is reported by Captain Stehelin, of the Royal Engineers, Lieut.-Colonel Ward states, after a very close inspection of the column, that there is not any danger of its falling for many years.

Since I last addressed your Lordship on the 23d of April, I have also visited Kingston. The fire has done great injury, but, rather than to murmur at the injury done, there is cause to be most thankful to a merciful Providence for the safety of the rest of the town, which was only preserved by a sudden change of wind.

There is a natural anxiety felt for the result of the Union and Clergy Reserve Bills; but there is otherwise no particular excitement in the country, and the community, generally, seem more desirous of repose than of further agitation, and I do not know that a more auspicious moment could be expected to present itself for carrying the details of the union into practical effect, if that measure be decided upon by the Imperial Legislature.

(Copy.)

Enclosure in No. 6.

SIR,

Toronto, 1st May, 1840.

Encl. in No. 6.

For the information of his Excellency the Major-General commanding, I have to acquaint you, that I have directed a sketch to be made, showing the present condition of the monument erected on the Queenston Heights to the memory of the late Sir Isaac Brock; at the same time I have called for an opinion as to the stability of the structure.

From what I perceived, and I examined it both inside and out, as far as could be done from the ground; I do not apprehend any danger of its falling for many years, and in my opinion, anything that might be attempted to add to its strength, would be more likely to accelerate its destruction; but I should recommend having the door-way at bottom built up without delay, were it only to prevent another attempt to blow it down, and the building of a dwarf wall at a small distance round the base of the monument.

Even on the probability of the monument falling at some future period, I should suggest the pursuing of the same course, as being preferable to incurring some considerable expense for the erection of scaffolding, and taking down the monument, which, in its present state, is more likely to excite the attention of strangers, than it was before its destruction was contemplated.

I have, &c.

(Signed)

W. C. WARD, Lieut.-Col. Royal Engineers.

Colonel Halkett, Assistant Military Secretary, Toronto,

&c.

&c.

&c.

(Copy.)

SIR,

Niagara, 17th April, 1840.

It having been reported to me that the monument on Queenston heights, erected to the memory of the late Major-General Sir Isaac Brock, had been attempted to be blown up, and that an explosion of gunpowder took place at half-past four o'clock this morning, I proceeded thither, and found that very considerable damage has been done to the monument; which, from external appearances, would appear not capable of repair. The pedestal is slightly cracked on the four sides, and the key-stone of the arch over the door blown out. The shaft of the column is cracked likewise more than half way up on four sides, on two most extensively, the cracks being in some places ten inches or a foot wide.

The gallery and cupola are very much shaken.

As the interior could not be examined, in consequence of being filled with the ruins of the wooden staircase, I am not prepared to say that the monument cannot be restored, but from a considerable bulge in the column, I am apprehensive such will be found to be the case.

A considerable quantity of powder must have been employed, as the explosion was distinctly heard at Niagara.

I beg to request that his Excellency Major-General Sir George Arthur may be made acquainted with this report; as I understand no official report has been made to him on the subject from the military authorities.

I have, &c.,

(Signed)

BENJAMIN J. STEHELIN,

Captain Royal Engineers.

Lieut-Col. Ward.



CANADA.

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FURTHER  
CORRESPONDENCE

RELATIVE TO

THE AFFAIRS

OF

CANADA.

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(PRESENTED BY COMMAND OF HER MAJESTY.)

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*Ordered, by The House of Commons, to be Printed,*  
22 June 1840.

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# SCHEDULE.

NO.	DATE.	SUBJECT.	PAGE.
1. The Right hon. C. P. Thomson to Lord John Russell - }	28 May 1840 -	{ -- Mr. Viger released from Prison unconditionally. Has no intention of renewing the Ordinance for the Suspension of the Habeas Corpus Act - - - -	3
2. The Right hon. C. P. Thomson to Lord John Russell - }	26 May 1840 -	{ -- Suggestions for encouragement of Immigration. Recommends Grants of small portions of Land to Immigrants - - - -	3
3. Lord John Russell to the Right hon. C. P. Thomson - }	19 June 1840 -	- Reply to the preceding Despatch	6
4. Sir G. Arthur to Lord John Russell - - - - }	27 May 1840 -	{ -- Bill for effecting the re-union of the Two Provinces received in the Province, and viewed in a favourable light. Importance attached to the Settlement of the Clergy Reserve Question by the People of Upper Canada - -	6



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CANADA.

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CORRESPONDENCE relating to the AFFAIRS of CANADA.

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—No. 1.—

(No. 117.)

COPY of a DESPATCH from the Right honourable *C. Poulett Thomson*  
to Lord *John Russell*.

My Lord,

Government House, Montreal, 28 May 1840.

SHORTLY after my arrival in this province, I received from Mr. Denis Benjamin Viger, who had been in confinement since the beginning of the outbreak in 1838, an application to be set at liberty. To this gentleman, as to the other persons arrested with him, Sir John Colborne had offered his discharge on his giving bail for good behaviour, a condition which had been accepted by every one except Mr. Viger; he, however, constantly refused to give any security whatever, and was consequently retained in prison until my arrival.

It would have given me great satisfaction had I been able at that time to put an end to Mr. Viger's long imprisonment, but, after fully considering his case, and consulting with the Attorney-general, I felt that I should not be justified, at the commencement of a new administration, and at the beginning of the winter, in setting Mr. Viger at liberty unconditionally; I therefore directed him to be informed that I could not depart from the decision of my predecessor in regard to his release.

The time, however, appeared lately to me to have arrived when it was quite useless, with a view to the public tranquillity, to continue Mr. Viger in prison, even without the security from him which my predecessor deemed necessary, and I accordingly directed him to be released unconditionally.

The Ordinance for the suspension of the Habeas Corpus Act will expire on the 1st of next month, and I have much satisfaction in stating to your Lordship that the province is in so tranquil a state as to remove any necessity for its renewal.

I have, &c.

(signed) *C. Poulett Thomson*.

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No. 1.  
Right hon.  
C. P. Thomson to  
Lord John Russell,  
28 May 1840.

—No. 2.—

(No. 112.)

COPY of a DESPATCH from the Right honourable *C. Poulett Thomson*  
to Lord *John Russell*.

My Lord,

Government House, Montreal, 26 May 1840.

I HAVE great pleasure in stating that the immigration into these provinces from the United Kingdom has been proceeding very rapidly since the opening of the navigation.

I enclose the weekly list which I received yesterday from Quebec, which, with the observations appended to it by the emigrant agent, may appear interesting.

I hear from Mr. Buchanan that there has been hitherto no difficulty in finding employment for such of the emigrants as are inclined to remain in the Lower Province, and I have taken measures for affording information here and for giving it at the different ports above, as to the best places for employment in Upper Canada to such as have that destination in view.

In the absence of funds from the emigration tax, I have authorized Mr. Buchanan to afford assistance, where it appears absolutely necessary, to the most indigent emigrants. I have appointed an assistant emigrant agent in

No. 2.  
Right hon.  
C. P. Thomson to  
Lord John Russell,  
26 May 1840.

No. 2.  
Right hon.  
C. P. Thomson to  
Lord John Russell,  
26 May 1840.

this city, to whom I shall give the same discretion, under the superintendence of the executive, and I lately directed Mr. Hawke, the immigrant agent in Upper Canada, to attend me here for the purpose of conferring upon the subject generally.

It was Mr. Hawke's opinion, in which I concur, that by appointing the usual agents in the different stations of Upper Canada, and through their exertions in collecting information upon the places where labour is in demand, the greater number of emigrants at present arriving or shortly to be expected may be advantageously placed ; and additional facilities will be obtained for this purpose if the public works in Upper Canada, of which I have lately authorized the continuance, can be carried on.

If, however, the emigration shall be carried to the extent during the season, which there is reason to believe, it is not to be expected that either the demand for labour from individuals, or the limited extent to which public works can be carried in the financial state of the province, will suffice to meet the demand for employment, and it will therefore be necessary to adopt some measures for providing for some of those persons.

The disposal of the Crown Lands in Upper Canada is still partially restricted by an Act of the Legislature, but as the House of Assembly have addressed Her Majesty in the most earnest terms on the subject of emigration, and have expressed their readiness to concur in any scheme by which it may be facilitated, I shall not hesitate to authorize the concession, with a view to settlement of small portions of land to emigrants, provided this can be coupled with their employment on some public work, such as a road, which may be wanted through the district ; and I have put myself in communication with Sir George Arthur, with a view to carry into effect such a plan, if called for.

Pending any general arrangement for the settlement of emigrants, and for the disposal of Crown Lands, I consider this course the most advantageous I can adopt ; for I should be extremely sorry to lose the opportunity which seems to be afforded this season, by voluntary emigration, of augmenting the British population of these provinces, and to see this useful body of men pass into the States.

I have, &c.

(signed) *C. Poulett Thomson.*



DATE.	VESSEL'S NAME.	MASTER.	WHERE FROM.	NUMBER OF EMIGRANTS.			OCCUPATION.	If sent out by Parishes or Government Aid.	If voluntary.	OBSERVATIONS.
				Male.	Female.	Children under 14 Years.				
1840:										
18 May	Cruckstow Castle	McInlay	Greenock	7	5	6	Farmers, Farm Labourers and Trades	-	18	-
"	Providence	Wilson	Hull	5	4	4	Farmers and Farm Labourers	-	13	-
"	Andrew Marvel	Chambers	Hull	4	3	3	Farmers and a Trade	-	10	-
"	Heroine	Walker	Aberdeen	4	4	3	Farm Labourers	-	11	-
"	Edward Thorne	Ray	Greenock	2	2	2	Farmers	-	6	-
"	Clio	Brown	Padstow	71	46	29	Farmers and Farm Labourers	-	146	-
"	Tottenham	Brown	Waterford	39	26	18	Farmers, Farm Labourers and Trades	-	83	-
"	Ty Aguin	Henock	Cork	91	52	46	Labourers and a few Trades	-	189	-
19 May	Sarah	Allan	Aberdeen	13	9	7	Farmers and Farm Labourers	-	29	-
"	Undine	Judge	Limerick	69	41	37	Farmers, Farm Labourers, Trades and Servants	-	147	-
"	Robert Kerr	Agnew	Belfast	131	71	51	Ditto - ditto	-	253	-
20 May	Llan Rummy	Simpson	Hull	22	19	16	Farmers and Farm Labourers	-	57	-
"	Beacilla	Richards	Falmouth	3	-	-	Farm Labourers	-	3	-
"	Henry	Bess	Dundee	13	10	7	- Ditto -	-	30	-
"	Anne	O'Brien	Donegal	39	36	40	- Ditto -	-	115	-
"	Sarah Stewart	Simpson	Belfast	139	90	47	Labourers and a few Farmers	-	276	-
"	Urania	Clarke	Cork	79	47	31	Labourers and a few Trades	-	157	-
"	Brewe	O'Donnell	Limerick	108	61	32	- Ditto - ditto	-	201	-
21 May	Rainbow	Arnold	Plymouth	8	3	6	Farm Labourers	-	19	-
"	Albion	Rehinson	Londonderry	28	22	22	Labourers and a few Trades	-	107	-
"	Ocean	Knox	Waterford	42	20	20	Farmers, Labourers and Trades	-	82	-
"	Robert Watson	Eliot	Bristol	4	5	4	Farm Labourers	-	13	-
"	Caroline	March	Aberdeen	9	4	3	Farmers	-	16	-
"	Ebor	Smith	Montrose	5	3	4	-	-	12	-
22 May	William Walker	Moon	Gloucester	1	1	-	-	-	1	-
"	Victoria	Peters	Leith	9	7	5	-	-	21	-
"	Mariner	Bartlett	Portsmouth	3	3	2	-	-	8	-
"	Chaplain	Dunn	Youghal	75	46	26	Farmers, Labourers, Trades and Servants	-	147	-
"	John and Ann	Dale	Plymouth	28	20	17	-	-	65	-
"	Dominica	Bowman	Cork	120	69	45	-	-	234	-
"	John and Mary	Wright	Limerick	44	29	23	-	-	96	-
"	Don	Muir	Liverpool	38	30	18	-	-	86	-
"	Governor	Gorman	Limerick	91	60	37	-	-	188	-
				1,373	855	611			2,839	

ENGLAND	-	-	-	421
IRELAND	-	-	-	2,275
SCOTLAND	-	-	-	143
Previously rejected	-	-	-	2,839
	-	-	-	898
To same period last year	-	-	-	3,737
	-	-	-	620
	-	-	-	3,117

Note.—The emigrants arrived this week are in general in good circumstances, and nearly all from Ireland; they consist chiefly of labourers, small farmers and mechanics; those who do not possess sufficient means to proceed further up have obtained employment about the coasts and shipping. I am happy in being able to state, that among all these emigrants there are comparatively few going to the United States. I have seen several persons among the passengers who have been out in this country before, and resided in different parts of New York and Pennsylvania; they are returning now, with their friends, to settle in Upper Canada. Instances of this kind will have a great effect among their countrymen; and I can safely state, that four-fifths of the emigrants arrived this week intend remaining in these provinces. In the "Clio" from Padstow were 146 very respectable people; they are all going to settle in the Township of Whitby, and near Port Hope, Upper Canada. Several families in the "Sarah" from Aberdeen have large capital; they are going on the Canada Company's lands. The office has been exceedingly crowded daily by emigrants soliciting aid to recover the capitation tax. I regret to say that, owing to the want of a responsible person to represent the parties in the United Kingdom with whom the emigrants have engaged their passage, I find it almost impossible to obtain any redress; I have, however, succeeded in getting it refunded in three cases—the passengers per the "Andrew Marvel" and "Llan Rummy" from Hull, and to part of the passengers in the "Chaplain," from Youghal. I continue to receive most favourable accounts of the demand for farm labourers and mechanics in Upper Canada and Eastern Townships.

Emigrant Department, Quebec,  
23 May 1840.

A. C. Duchman,  
Chief Agent.

— No. 3. —

(Separate.)

COPY of a DESPATCH from Lord *John Russell* to the Right honourable  
*C. Poulett Thomson*.

No. 3.

Sir,

Downing-street, 19 June 1840.

Lord John Russell  
to the Right hon.  
C. P. Thomson,  
19 June 1840.

I HAVE received your despatch (No. 112) of the 26th of May, enclosing a return from the agent for emigrants at Quebec, and adverting to various points of importance which relate to emigration.

It is very satisfactory to observe the large increase over last year for the same period of time of 3,117 emigrants arriving in the province, and to learn from Mr. Buchanan's report, that of those comprised in the return comparatively few intended passing into the States.

It is universally admitted that the difficulty in finding employment for emigrants on their arrival in British North America, and the facility with which it is procured in the United States, are powerful reasons for the too frequent removal of British subjects into the adjoining country; hence it is gratifying to me to hear that there has been hitherto no difficulty in finding work for such of the emigrants as were disposed to remain in the Lower Province. Any measures which you can originate for the purpose of collecting and communicating information as to the best places for employment in either province will be highly advantageous to the country and to the settlers themselves; I am inclined to think that a system of registry offices would be the most convenient, and probably the least expensive mode of effecting this object, but your local knowledge will enable you to decide what course is the best for the attainment of the desired end. In the present exigency of the Canadas, and feeling strongly the importance of facilitating the settlement in the British Provinces of emigrants from the United Kingdom, I have to convey to you my approval of your intention to concede small portions of land to settlers, provided it can be accompanied by employment on some public work in the district on which they shall be located; but whilst I approve of your measures in this respect, I have to state that the whole subject of granting lands must be brought before the United Legislature of Canada, with a view to a permanent plan for the encouragement of immigration.

I have, &amp;c.

(signed) *J. Russell*.

— No. 4. —

(No. 34.)

COPY of a DESPATCH from Lieutenant-governor Sir *George Arthur*, K.C.H., to  
Lord *John Russell*.

No. 4.

My Lord,

Government House, Toronto, 27 May 1840.

Sir G. Arthur to  
Lord John Russell,  
27 May 1840.

SINCE my despatch (No. 32) of the 6th instant, nothing has occurred to affect the perfect tranquillity on the frontier, and absence of excitement in the country generally, which I had then the honour to report to your Lordship, nor do I think there is any probability of much excitement in the public mind until the elections shall take place; all parties appear to be willing to await patiently the determination of the Imperial Legislature upon the important measures now before it.

Notwithstanding my intimation to your Lordship that I should refrain from renewing the reports upon the state of the province which I had been in the habit of periodically transmitting, yet as Her Majesty's Government must be anxious to learn the state of the public mind upon the important political measures now in contemplation, I feel myself bound to depart, in some degree, from the course I had laid down for myself.

The Bill for effecting the union of the two provinces has been received here, and, so far as the limited space of time since its receipt will allow of forming any opinion, I am inclined to think that it is viewed in a favourable light; of course various objections have been taken, chiefly applicable to the curtailment of the power of the Assembly as regards the money votes. These objections are of a  
desultory



desultory character, and I am induced to believe that there is not any concentration of objection which will materially militate against the measure being fully and fairly carried into operation.

A very strong feeling exists upon the subject of the clergy reserves amongst all classes of persons, and I feel quite satisfied that it is the general wish of all parties that the subject should not again be remitted to the local legislature, but should in some form or other be set at rest in England.

I observe that a right reverend prelate has in his place in the House of Lords "expressed it as his opinion that his Excellency the Governor-general has given a greater degree of importance to the feeling excited upon this subject than it really deserves." I cannot refrain from saying that, in my view of the case, his Excellency has rather understated the importance which is attached to the settlement of this question by the people here.

I consider that it is regarded as a subject of the most vital consequence to the welfare and happiness of this country; and that the people generally, and more particularly the Scotch portion of them, have always felt this in the most eminent degree. I also think the right reverend prelate labours under some misapprehension in supposing that any difference of a serious character existed between myself and the members of the Scotch Church. I never considered that which occurred upon my first arrival in this country more than a mere ebullition of a temporary character; and I think I am borne out in saying that the most cordial feeling has always existed between that body and myself. A manifestation of this occurred recently, when the synod took an opportunity of expressing their sentiments in an address, a copy of which, and of my answer, I have the honour to enclose for your Lordship's information.

Probably it may even at this late period be of some use to mention a plan which I had under consideration for the settlement of the Clergy Reserve Question in 1839, and which I then thought it likely would be satisfactory to the country, and which I am inclined to think would still be so. The plan I allude to, contemplated giving a specific portion of these reserves to the two Churches of England and Scotland, and the remainder for educational purposes, with a view to meet the wishes of that portion of the community which appear to desire that mode of application. I, however, merely throw this out for your Lordship's consideration.

I have, &c.

(signed) *George Arthur.*

---

Enclosure in No. 4.

(Copy.)

Unto his Excellency Sir *George Arthur*, *к.с.н.*, Lieutenant-governor of the Province of Upper Canada, a Major-general commanding Her Majesty's Forces therein, &c. &c. &c.

May it please your Excellency,

WE, the Commission of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, embrace the opportunity of our assembling in this city to express the sentiments of esteem and respect which we entertain for your Excellency. During the critical and perilous times of your Excellency's administration, it was felt by us to be a token for good that the Supreme Disposer of all things had directed our Sovereign the Queen to delegate Her authority in this province to one who had been approved by fidelity, wisdom and zeal for the public welfare in another dependency of the Crown. And we attribute, under the Divine Blessing, much of the harmony and confidence which prevailed among our fellow-subjects, while opposed to the lawless aggressions of wicked men, and tempted as many were to insurrection, to the well-grounded confidence which the community at large reposed in your Excellency; and when we may no longer enjoy the presence of his Excellency the Governor-general, it will be to us a matter of unfeigned satisfaction that the reins of Government will be recommitting into your Excellency's hands. Encl. in No. 4.

Permit us, in conclusion, to say, that we, and we trust we may say our people in their solemn assemblies, do pray, and will continue to pray, that He who is King of Kings and Lord of Lords may bless your Excellency in your person, family and administration, and render that administration subservient to the temporal and spiritual well-being of the community,

No. 4.

Sir G. Arthur to  
Lord John Russell,  
27 May 1840.

munity, and the glory of his own great name, and that he may also prepare your Excellency, through the teaching of His Word and Spirit, for an inheritance in His Heavenly Kingdom.

Encl. in No. 4.

In name, in presence, and by appointment of the Commission of Synod, at Toronto, this 6th day of February 1840.

(signed) *Wm. Rintoul*,  
Moderator, pro tem.

---

HIS EXCELLENCY'S ANSWER.

(Copy.)

Gentlemen,

I THANK you for the sentiments of esteem and respect which you express towards me.

Whilst in the administration of the government of this province it was my most anxious desire by every means in my power to promote a feeling of harmony and confidence amongst all classes of Her Majesty's subjects, and I rejoice to find it to be the opinion of so respectable a class of the community that my endeavour in this respect proved useful to the country.

I am much gratified by your expression of good-will towards myself personally, and I most cordially join with you in imploring a continuance of the favour of the Almighty upon this fine province, temporarily depressed indeed in some respects, but in others highly blessed.

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CANADA.

FURTHER

CORRESPONDENCE

RELATIVE TO

THE AFFAIRS

OF

CANADA.

(Presented by Command of Her Majesty.)

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Ordered, by The House of Commons, to be Printed,  
22 June 1840.

403.

Under 1 oz.



COPIES OR EXTRACTS  
OF  
CORRESPONDENCE  
RELATIVE TO THE  
REUNION OF THE PROVINCES  
OF  
UPPER AND LOWER CANADA.

---

(PRESENTED TO PARLIAMENT BY HER MAJESTY'S COMMAND.)

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*Ordered, by The House of Commons, to be Printed,  
23 March 1840.*

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[*Price 3 s. 6 d.*]

## SCHEDULE.

### REUNION OF THE PROVINCES OF UPPER AND LOWER CANADA.

No.	DATE.	SUBJECT.	PAGE.
1. The Marquis of Normanby to Sir John Colborne	- 12 June 1839	Bill for the Reunion of the Canadas deferred	3
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MAP of CANADA, divided into Counties and Ridings as per Union Bill.

MAP of LOWER CANADA, in Counties as previous to Act of 1829, and as divided by said Act.

MAP of UPPER CANADA, in Counties and Ridings as at present divided.



# CANADA.

## COPIES or EXTRACTS of CORRESPONDENCE relative to the Reunion of UPPER and LOWER CANADA.

### — No. 1. —

COPY of a DESPATCH from the Marquis of *Normanby* to Lieutenant-General  
Sir *John Colborne*, G.C.B.

No. 1.  
Marquis of  
Normanby to  
Sir John Colborne,  
12 June 1839.

Sir,

Downing-street, 12 June 1839.

As I am aware of your anxiety to be informed of the measures contemplated by Her Majesty's Government for the settlement of the affairs of Canada, I avail myself of the opportunity afforded by the departure of the "Liverpool" steam-vessel, to communicate with you on the subject.

It had been the intention of Her Majesty's Government to introduce into Parliament the Bill, of which I enclose you a copy, and which, if agreed to, would have reunited the Provinces of Upper and Lower Canada, and would have made effectual provision for their future government. Late events, however, and especially the recent proceedings in the Legislature of Upper Canada, of which intelligence was received on the 3d instant, have induced Her Majesty's Ministers so far to modify this Bill, as to defer for the present those provisions which relate to the reunion of the provinces, and their future government. Accordingly, the Bill will be divided into two parts; the first extending the authority of the Special Council of Lower Canada, and prolong its existence to the year 1842; the second providing for the future reunion of the Canadian provinces on the principles of a free and representative government. The first Bill only will be immediately pressed on the attention of Parliament, and will, I trust, meet with their concurrence. The second will be brought in, but will not be proceeded with during the present Session, nor until the Legislative Council and Assembly of Upper Canada and the Special Council of Lower Canada shall have had an opportunity of communicating to Her Majesty's Government their views respecting it.

I shall take an early opportunity of communicating with you further on this subject, and of apprizing you of the proceedings in the Imperial Parliament. My present communication is necessarily restricted to a mere indication of the intentions of Her Majesty's Government; but I could not allow this opportunity to pass without apprizing you of them.

I have, &c.  
(signed) *Normanby*.

### — No. 2. —

(No. 55.)

COPY of a DESPATCH from the Marquis of *Normanby* to Lieutenant-General  
Sir *John Colborne*, G.C.B.

No. 2.  
Marquis of  
Normanby to  
Sir John Colborne,  
5 July 1839.

Sir,

Downing-street, 5 July 1839.

WITH reference to my despatch of the 12th ultimo, I have the honour to transmit herewith, for your information, copies of two Bills introduced into Parliament on the subject of Canada. The Bill to amend the Act 1 Vict. c. 9,  
147. was

No. 2.  
Marquis of  
Normanby to  
Sir John Colborne,  
5 July 1839.

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was last night read a second time in the House of Commons, and will go into Committee on Thursday next.

The Bill for reuniting the Provinces of Upper and Lower Canada, although introduced into the House, will not be pressed during the present Session to a second reading. Her Majesty's Government have decided on adopting this course, in deference to what appears to be the general sentiment of the people of Upper Canada, and in compliance with Sir George Arthur's recommendation that no unnecessary discussion should at the present moment be taken on the question of union; this Bill, therefore, will stand over until the next Session of Parliament, and, in the meantime, Her Majesty's Government will have an opportunity of ascertaining the views of the people of Canada on the proposed measure. I shall communicate further with you on this subject, when the Bill for amending the 1 Vict. cap. 9, shall have been advanced through its remaining stages.

I have, &c.  
(signed) *Normanby.*

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— No. 3. —

No. 3.  
Sir John Colborne  
to the Marquis of  
Normanby,  
28 July 1839.

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EXTRACT of a DESPATCH from Lieut.-General Sir *John Colborne*, G.C.B.  
to the Marquis of *Normanby*.

Government House, Montreal, 28 July 1839.

I HAVE had the honour to receive your Lordship's despatch of the 5th instant, No. 55, with the copies of the two Bills introduced into Parliament. It is my intention to appoint 10 additional members to the Special Council; and there is every reason to believe that if the proposed increased number can be selected from the most influential persons in each district, the Special Council will be enabled to pass many important measures, which will afford general satisfaction, and be conducive to the welfare and future tranquillity of Lower Canada, with reference to the prospect of its union with the Upper Province. It is evidently desired by the British portion of the population that the union of the provinces should not be delayed. The French Canadians, who were strongly opposed to this change last year, are certainly by no means so averse to it as they were; their opinion, probably, has been much influenced by the late insurrectionary movements. The Canadian party connected with the revolutionists, express themselves decidedly favourable to the scheme of the union. In the Upper Province public opinion is much divided upon the subject; but I am persuaded most of the districts are looking forward to the union as a measure which will relieve them from their embarrassments, and prevent any interruption to their commercial undertakings.

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— No. 4. —

(No. 107.)

No. 4.  
Sir John Colborne  
to the Marquis of  
Normanby,  
19 August 1839.

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COPY of a DESPATCH from Lieutenant-General Sir *John Colborne*, G.C.B. to  
the Marquis of *Normanby*.

My Lord,

Government House, Montreal, 19 August 1839.

IN my despatch of the 28th ultimo, I communicated to your Lordship, as far as I could collect them, in my constant intercourse with individuals, the opinions in respect to the union of the provinces, which have been elicited by the public discussions on that subject.

I still entertain no doubt that in the Upper Province, the districts to the eastward of the river Trent and bay of Quinté are strongly in favour of measures being adopted for reuniting Upper and Lower Canada, and that the majority of the settlers to the westward of the midland district concur with them, although there are many of them altogether opposed to the project.



In the Lower Province, I have already stated that the population of British origin earnestly desire the Union, and that the Canadian French population are not so averse to the measure as they formerly were.

Her Majesty's Government will naturally expect to receive from me at this crisis such suggestions, with reference to the proposed Bill for uniting the Provinces, transmitted to me with your Lordship's despatch of the 5th ultimo, No, 55, as I may be competent to offer from my long residence in Canada.

Some of the clauses of the Bill I imagine have been framed chiefly with a view of propitiating the parties in the colony who may not be attached to our institutions; but while this insufficient sacrifice is made to their political principles, a formidable obstacle must be encountered from the determination of a large and influential portion of the population of the Provinces to adhere closely to the constitution of 1791.

The discussion in Canada, of the clauses to which I advert, cannot fail to impede the progress of the Bill, and increase opposition to it at home, and consequently expose the tranquillity of the colony to great hazard. I should recommend, therefore, that all details which may probably create any decided contest of opinion among the parties known to be violently opposed to each other, should be withdrawn from the Bill, and that the clauses embodied in it should have reference only to such arrangements as will allow the Union to go safely into operation, and that any proposed innovation in the constitution should be left to the consideration and deliberation of the future united provincial legislature.

In the amended bill, which I should suggest for the consideration of the Imperial Parliament, it would be enacted:—

1st. That the Governor-general or Viceroy shall be empowered to declare by proclamation, with the sanction of Her Majesty's Government, that the two provinces of Upper and Lower Canada shall form one united province of Canada, at any time it may be deemed expedient to give effect to the Act, either before or after the year 1842.

2dly, That each county and riding of Upper Canada shall elect one member to sit in the United House of Assembly.

3dly, That the city of Toronto, and the town of Kingston, shall each elect one member.

4thly, That each county of Lower Canada shall elect one member to sit in the House of Assembly of the United Provinces.

5thly, That the cities of Quebec and Montreal shall elect each one member.

6thly, That each of the counties of Middlesex, Durham, Northumberland, Prince Edward, Frontenac, and Leeds in Upper Canada, shall be divided into two ridings, with the right of each riding to elect a member.

7thly, That the townships of Godmanchester, Hinchinbrooke, Hemmingford, Sherrington, and La Colle, in Lower Canada, be constituted a county with the right to elect a member; and also that the townships of Arundel, Harrington, Grenville, Chatham, Wentworth, and Howard on the Ottawa, be constituted a county, with the right of electing a member.

Thus, with these few alterations, Upper Canada would be represented by 42 members, and the Lower Province by 42; 80 of whom would be elected by counties and ridings, and four by cities and towns.

About one-fourth of the members of the Lower Province would be elected by a population of British origin; a fair proportion, admitting that the extent of the population of French origin is about 520,000, and that of British origin about 180,000.

The population of British origin of the two provinces, amounting probably to 680,000, would be represented by 52 members.

There are at present in Upper Canada 33 counties and ridings, the additional ridings proposed to be formed will increase the number to 40.

There are at present 40 counties in Lower Canada, seven of which contain a population of British origin.

For the two counties, Gaspé and Bonaventure, proposed to be attached to New Brunswick, two additional counties are substituted, containing a British population.

No party could justly complain of this arrangement, and if adopted, it would enable the governor or viceroy to direct the bill to go into immediate

No. 4.  
Sir John Colborne  
to the Marquess of  
Normanby,  
19 August 1839.

No. 4.  
Sir John Colborne  
to the Marquess of  
Normanby,  
19 August 1839.

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operation with a working house of assembly, without experiencing the very great difficulty of forming new electoral divisions, a measure which would soon probably produce much clamour and discontent.

I should further recommend that the Governor or Viceroy be empowered to nominate and appoint a deputy-governor to reside at Toronto; and four of the executive council to transact the business of the districts to the westward of the midland district, under special instructions from the Governor or Viceroy.

That a deputy-commissioner of Crown lands, a deputy surveyor-general, and a deputy-registrar shall reside at Toronto to assist in transacting the business of the western districts.

And that the Governor or Viceroy be empowered to appoint a chairman of the quarter sessions for each district, with a fixed salary.

With these assistants, and deputed authority, the Governor would be able to rely, on an emergency, on a well-organised and efficient local power to maintain order, and at all times to carry on the duties of the remote districts.

With reference to the constitution of the Legislative Council, it should consist of not less than 25 members from each Province, eligible from the qualifications stated in the Bill now before the House of Commons, and also from the amount of their property. But few persons in these colonies will approve of striking at the independence of the Legislative Council, by enacting that the members are to be removed periodically.

The Legislative Council, composed of respectable and intelligent individuals interested in the welfare of the country, would correct with advantage the hasty legislation of a provincial assembly, and maintain its own popularity.

The scheme of forming new districts and electoral divisions, I am persuaded, would create difficulties and embarrassment. Individuals qualified to be elected to the proposed councils cannot be found in sufficient number; and the portion of the population now attached to the institutions of the mother country would prefer a more decidedly democratic form of government to the proposed alterations, which would render the constitution of the Province more complex, without conferring on them the advantages conveyed by the elective institutions of the adjoining states.

If it be considered expedient to grant to each county, township, or seignior, municipal rights and privileges, the provincial legislature would be found well disposed to carry into effect any acts with that view which might be recommended by the Governor. The townships of Upper Canada enjoy the privilege of electing their own officers; and this principle might be extended and granted to the seigniories.

In a new province I am convinced that the welfare and interests of the colony will be best consulted by allowing most of the rights to remain with the legislature of the province, which are now proposed to be given to the new districts.

I have, &c.

(signed) *J. Colborne.*

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— No. 5. —

No. 5.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
1 November 1839.

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COPY of a DESPATCH from the Right Honourable *C. Poulett Thomson* to  
Lord *John Russell*.

My Lord,

Government House, Montreal, 1 Nov. 1839.

I HAVE the honour to inform your Lordship, that after several communications with Sir George Arthur, I have determined on proceeding to the Upper Province about the middle of this month, and I have requested Sir George Arthur, who left this city for Toronto yesterday, to summon the Provincial Legislature for Tuesday the 3d of December, when it is my intention to meet them, and open the Assembly in person.

I have been led to this determination, after the best consideration which I have been enabled to give to the circumstances, both of this and the other province, as well as to the object of my mission.

So



So far as I can form an opinion, either from what I have heard from Sir John Colborne, or from what I have myself learnt since his departure from this country, there is no danger of any immediate disturbance of the public peace in this province, either by the disaffected within it, or by the sympathisers on the frontier. My presence in the Lower Province is not, therefore, requisite on that score. There are, undoubtedly, many objects of great importance in Lower Canada demanding my attention, but they are comparatively not of a pressing description; and however desirous I am of devoting my time to measures of improvement here, I still feel that I shall have the opportunity of doing so hereafter with as much effect as now, and probably with a better opportunity of fully maturing, with my Special Council, such ordinances as may be required.

The state of communication in this country makes it necessary that I should either proceed to Toronto within the time I have named, or defer my journey for a couple of months, there being no certainty of the road being passable during the interval which elapses between the breaking up of the summer roads and the establishment of the trainage. Were I therefore to defer my journey, for the purpose of devoting myself for a few weeks longer to the consideration of Lower Canada matters, I might endanger the possibility of arriving at Toronto before the end of January, a circumstance which, whether I consider the condition of both provinces, or the great importance of your Lordship and Her Majesty's Government being furnished with correct information upon the measures to be submitted to Parliament, could not but be highly prejudicial.

The information which I have received, and the various communications I have made it my business to have with all parties in the province, lead me also to believe that, so far as Lower Canada is concerned, a union with the Upper Province upon just and equitable principles is greatly desired by the vast majority of the intelligent of all parties, and I expect to have acquired, before my departure, sufficient information as to details, to be enabled to enter upon their consideration with a full knowledge of what is demanded here, if the opinion of the inhabitants of Upper Canada shall be equally in favour of the measure.

Upon these considerations I have come to the first determination which I have had the honour to state to your Lordship.

With regard to the second step, viz. calling together the Assembly, I have arrived at that conclusion only after considerable doubt and very serious and repeated deliberation; for although the opinion of Sir George Arthur, who strongly urged upon me the propriety of doing so, had justly much weight with me, I cannot but feel that the decision is one of great importance.

I should have been very desirous of ascertaining, by a personal residence of some time within the province, the state of public opinion there, before coming to any determination upon the subject. The time which much necessarily be employed for that purpose after my arrival there, three weeks hence, would, however, throw back the meeting of the Assembly, if I decided on calling it together, or that of a new Assembly, should I have found it expedient to adopt that course, for a very considerable time, and be the cause of serious delay, to which I am unwilling to expose myself. It appeared, therefore, to me necessary to decide either upon dissolving at once, or upon at once calling together the present Assembly.

There may be some arguments in favour of submitting the questions proposed by Her Majesty's Government respecting the future constitution of the province, to a new Assembly, summoned *ad hoc*. But there is little in the character of the present Assembly which should render it an improper tribunal to adjudge upon this particular matter; certainly nothing to justify me in appealing to the people, without in the first instance testing their sentiments. It is always in my power to make that appeal, without incurring much greater delay, if I should see reason to think that the present body does not fairly represent the popular mind upon the important subjects I shall have to bring before them, whilst I cannot but feel that it is highly desirable, in the state in which the province is represented to me to be, that no unnecessary excitement should be created; and it certainly cannot be said that a body of men who, in the course of a very short time, must necessarily be sent back to their constituents,

No. 5.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
1 November 1839.

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tuents, are likely to be very deaf to whatever may be the popular feeling upon a great question.

Another consideration has also weighed with me. If the Legislature of Upper Canada should declare decidedly in favour of the union of the provinces, and agree to terms which the Imperial Parliament may adopt and pass into law, it appears to me, from all I can learn of the state of public opinion here, that the measure may be brought into practical operation at a very early period, in which case it would be desirable that the Upper Province should not be subjected to two general elections within a short space of time; one for the Provincial, and a second for the United Assembly.

Upon these grounds, my Lord, I have formed my decision, of which I hope that your Lordship and Her Majesty's Government will approve.

I have, &c.  
(signed) C. Poulett Thomson.

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— No. 6. —

No. 6.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
18 November 1839.

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(No. 12.)  
COPY of a DESPATCH from the Right Honourable C. Poulett Thomson to  
Lord John Russell.

Government-House, Montreal,  
18 November 1839.

My Lord,

I HAVE the honour to inform your Lordship, that having summoned the Special Council, by proclamation, to meet on Monday, the 11th instant, I then submitted to them the question of the re-union of the two provinces of Upper and Lower Canada, and solicited their opinion respecting it.

On Thursday, the 14th instant, I received from that body the address, of which, and of my answer, I have the honour to enclose copies; and I likewise transmit an extract from the journals, from which your Lordship will learn their proceedings.

I beg your Lordship to remark, that the members composing the Special Council remain the same as during the administration of my predecessor. It may be necessary hereafter, in the exercise of my discretion, to make some alterations, with a view to increase the efficiency of that body: but I felt that, as the opinions of Her Majesty's Government in regard to the union are well known, it was extremely desirable that I should, if possible, submit the consideration of that important question to a Council in whose selection I had myself had no choice.

It appeared to me that, to secure due weight in the mother country to the judgment of a body so constituted, it was indispensable to avoid even the possibility of an imputation that I had selected for its members those only whose opinions coincided with my own.

I had, moreover, every reason to believe, from the motives which guided my predecessor in his choice, that the Council contains a very fair representation of the state of feeling in the different districts of the province.

For these reasons I determined on making no alteration whatever; and it is with great satisfaction that I can now refer to the opinions of this body adopted almost unanimously. Their views as to the urgency of the union, and the advantages likely to result from it to the province, are set forth in their address in terms so forcible as to leave me nothing to say with reference to their opinion. But I must add, that it is my decided conviction, grounded upon such other opportunities as I have enjoyed since my arrival in this country of ascertaining the state of public feeling, that the speedy adoption of that measure by Parliament is indispensable to the future peace and prosperity of this province.

All parties look with extreme dissatisfaction at the present state of government. Those of British origin, attached by feeling and education to a constitutional form of government, although they acquiesced at the time in the establishment of arbitrary power, as a refuge from a yet worse despotism, submit with impatience to its continuance, and regret the loss, though no fault of their own, of what they consider as their birthright. Those of the French Canadians who remained loyal to their sovereign and true to British connexion, share the

same

No. 1.

No. 2.

No. 3.



same feelings. Whilst among those who are less well affected or more easily deceived, the suspension of all constitutional rights affords to reckless and unprincipled agitators a constant topic of excitement.

All parties, therefore, without exception, demand a change. On the nature of that change there exists undoubtedly some difference of opinion.

In a country so lately convulsed, and where passions are still so much excited, extreme opinions cannot but exist; and accordingly, while some persons advocate an immediate return to the former constitution of this province, others propose either the entire exclusion from political privileges of all of French origin, or the partial dismemberment of the province, with a view of conferring on one portion a representative system, while maintaining in the other a despotism.

I have observed, however, that the advocates of these widely different opinions have generally admitted them to be their aspirations, rather than measures which could practically be adopted, and have been unable to suggest any course except the union, by which that at which they aim, namely, constitutional government for themselves, could be permanently and safely established.

There exists, too, even amongst these persons, a strong and prevailing desire that the Imperial Legislature should take the settlement of Canadian affairs at once into its own hands, rather than that it should be delayed by a reference to individual opinions, or to the schemes which may be put forward by different sections of local parties.

The large majority, however, of those whose opinions I have had the opportunity of learning, both of British and French origin, and of those too whose character and station entitle them to the greatest authority, advocate warmly the establishment of the union, and that upon terms of perfect fairness, not merely to the two provinces, but to the two races within this province. Of the extent to which this feeling, with regard to the Upper Province, is carried, your Lordship will find a most conclusive proof in the resolution of the Special Council respecting the debt of Upper Canada. By this resolution a large sum, owing by that province on account of public works of a general nature, is proposed to be charged on the joint revenues of the United Province. Upon other details of the arrangement the same feeling prevails. It would be, however, useless for me to trouble your Lordship with respect to them, until I have had the opportunity of ascertaining the views and opinions entertained by the people of Upper Canada. If, however, as I trust, the principle of reunion should meet with their assent, I am of opinion that it can only be in consequence of demands of an unwarrantable character upon their part, that difficulty will arise in settling the principal terms.

I have, &c.  
(signed) C. Poulett Thomson.

Enclosure 1, in No. 6.

To his Excellency the Right Honourable *Charles Poulett Thomson*, one of Her Majesty's most Honourable Privy Council, Governor-General of British North America, and Captain-General and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Special Council for the affairs of Lower Canada, at a meeting convened by your Excellency, under the authority and in pursuance of the statute in this behalf provided, beg leave respectfully to return to your Excellency our thanks for your considerate care of the interests of this province, in having called our attention to Her Majesty's gracious message to both Houses of the Imperial Parliament, relative to the reunion of the provinces of Upper and Lower Canada, upon which important subject your Excellency has been pleased to desire the opinion of the Special Council.

In conformity with the desire of your Excellency, we have applied our deliberate consideration to the various complex interests and objects involved in the measure of reuniting the two provinces, and we most heartily express our humble gratitude to Her Majesty, for having granted her high sanction to a measure, which from our local knowledge and the experience we have had of the government of these provinces, and of their past and present political state, we deem to be essential to their future peace and welfare, and for the good, constitutional

No. 6.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
18 November 1839.

Encl. 1, in No. 6.

constitutional and efficient government of them, under the protecting care and authority of Her Majesty, and the adoption of which we are intimately convinced has become of indispensable and urgent necessity.

In considering this contemplated measure, we have directed our attention to a few of the more prominent and important provisions, fit, as we conceive, to be embraced in it; and the views entertained by us on them, as well as on the measure itself, we have embodied in certain resolutions, which we have now the honour humbly to submit to your Excellency, as containing our opinion on the important subject, respecting which it has pleased your Excellency to consult us.

(signed) *J. Stuart*, Chairman.

Special Council, Montreal, 14 November 1839.

Special Council, Wednesday, 13 November 1839.

Resolved, That under existing circumstances, in order to provide adequately for the peace and tranquillity, and the good, constitutional, and efficient government of the provinces of Upper and Lower Canada, the reunion of these provinces under one legislature, in the opinion of this Council, has become of indispensable and urgent necessity.

Resolved, That the declared determination of Her Majesty, conveyed in Her gracious message to Parliament to reunite the provinces of Upper and Lower Canada, is in accordance with the opinion entertained by this Council, and receives their humble and ready acquiescence.

Resolved, That among the principal enactments which, in the opinion of this Council, ought to make part of the Imperial Act for reuniting the provinces, it is expedient and desirable that a suitable civil list should be provided for securing the independence of the judges, and maintaining the executive government in the exercise of its necessary and indispensable function.

Resolved, That regard being had to the nature of the public debt of Upper Canada, and the objects for which principally it was contracted, namely, the improvement of internal communications, alike useful and beneficial for both provinces, it would be just and reasonable, in the opinion of the Council, that such part of said debt, as has been contracted for this object, and not for defraying expenses of a local nature, should be chargeable on the revenues of both provinces.

Resolved, That the adjustment and settlement of the terms of the reunion of the two provinces may, in the opinion of this Council, with all confidence be submitted to the wisdom and justice of the Imperial Parliament, under the full assurance that provisions of the nature of those already mentioned, as well as such others as the measure of reunion may require, will receive due consideration.

Resolved, That in the opinion of this Council, it is most expedient, with a view to the security of Her Majesty's North American Provinces, and the speedy cessation of the enormous expense now incurred by the parent state for the defence of Upper and Lower Canada, that the present temporary legislature of this province should, as soon as practicable, be succeeded by a permanent legislature, in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained.

(signed) *William B. Lindsay*,  
Clerk Special Council.

Encl. 2, in No. 6.

Enclosure 2, in No. 6.

Gentlemen,

I THANK you for the prompt attention you have given to the important subject on which I desired to consult to you.

It will afford me great satisfaction to convey to Her Majesty's advisers the opinions which you have recorded, and I can assure you that they will receive from the Imperial Legislature, and from the Government, the consideration which is so justly due to them.

My best attention will be directed to the important suggestions contained in your resolutions, and it will be most gratifying to me to promote the accomplishment of your wishes.

Montreal, 14 November 1839.

Encl. 3, in No. 6.

Enclosure 3, in No. 6.

Journals of the Special Council of Lower Canada. Anno Tertio Victoriae Reginae.

At a session of the Special Council, begun and holden at the Government House, in the city of Montreal, in pursuance of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, entitled, "An Act to make temporary provision for the Government of Lower Canada."



Monday, 11 November 1839.

No. 6.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
18 November 1839.

Present :—His Excellency the Right hon. Charles Poulett Thomson, Governor-General; Messrs. Cuthbert, Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, and Molson.

Prayers.

Encl. 3, in No. 6.

The Honourable the Chief Justice of the Province, the Honourable Robert Unwin Harwood, and Messrs. Edward Hale, of Sherbrooke, and John Wainwright, having previously taken the prescribed oath, and subscribed the roll containing the same, took their seats at the Council table.

His Excellency proposed to the Council for consideration and adoption the following Ordinances, which were severally read for the first time :—

An Ordinance to continue for a limited time a certain Ordinance relative to the seizing and detaining for a limited time of gunpowder, arms, weapons, lead, and munitions of war.

An Ordinance further to continue for a limited time a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices.

An Ordinance to incorporate the ecclesiastics of the Seminary of St. Sulpice, of Montreal, to confirm their title to the fief and seigniori of the Island of Montreal, the fief and seigniori of the Lake of the Two Mountains, and the fief and seigniori of St. Sulpice, in this province; to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes.

His Excellency was then pleased to name the Honourable the Chief Justice of the Province to preside at the Council during his Excellency's absence.

The Governor-general called the attention of the Special Council to Her Majesty's gracious Message to both Houses of Parliament, of the 3d of May last, relative to the legislative reunion of the provinces of Upper and Lower Canada.

His Excellency explained to the Council the views entertained by Her Majesty's Government upon this subject, and the anxious desire felt by Parliament and the British people that a settlement of the questions relating to the Canadas should be speedily arrived at, by which an end might be put to the present suspension of the constitution in the Lower Province, the resources of both might receive their full development, and the peace and happiness of all Her Majesty's Canadian subjects might be effectually secured.

His Excellency stated, that it was with this view that Her Majesty's advisers proposed the reunion of the provinces to Parliament, and were prepared to proceed with that measure. Mutual sacrifices were, undoubtedly, required; mutual concessions would be demanded; but his Excellency entertained no doubt that the terms of union could be adjusted by the Imperial Legislature with fairness to both provinces, and with the utmost advantage to all within them.

His Excellency requested to be favoured with the opinion of the Council on this important subject.

His Excellency then withdrew.

The Honourable the Chief Justice of the province took the chair.

On motion of the Honourable Mr. Neilson, seconded by the Honourable Mr. De Léry,—

Ordered, That an Ordinance to continue, for a limited time, a certain Ordinance relative to the seizing and detaining, for a limited time, of gunpowder, arms, weapons, lead, and munitions of war, be read a second time at the next sitting day.

On motion of Mr. Gerrard, seconded by the Honourable Mr. Neilson,—

Ordered, That an Ordinance further to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, be read a second time at the next sitting day.

On motion of the Honourable Mr. De Rocheblave, seconded by Mr. Quesnel,—

Ordered, That an Ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice, of Montreal, to confirm their title to the fief and seigniori of the Island of Montreal, the fief and seigniori of the Lake of the Two Mountains, and the fief and seigniori of St. Sulpice, to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes, be read a second time at the next sitting day.

On motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. M'Gill,—

Resolved, That the communication made this day by his Excellency the Governor-general, and entered on the journals, in reference to the reunion of the provinces of Lower and Upper Canada, be taken into consideration in a committee of the whole Council to-morrow.

Then, on motion of the Honourable Mr. M'Gill, seconded by the Honourable Mr. De Rocheblave,—

The Council adjourned until to-morrow, at 10 o'clock A.M.

No. 6.

Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
18 November 1839.

Encl. 3, in No. 6.

Tuesday, 12 November 1839.

Present:—The Honourable the Chief Justice, Presiding Member; Messrs. Cuthbert, Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, Molson, Harwood, Hale, of Sherbrooke, and Wainwright.

Prayers.

An Ordinance to continue, for a limited time, a certain Ordinance relative to the seizing and detaining, for a limited time, of gunpowder, arms, weapons, lead, and munitions of war, was, according to order, read a second time.

The question of concurrence having been put upon the said Ordinance, it was agreed to unanimously.

On motion of the Honourable Mr. Neilson, seconded by the Honourable Mr. De Léry,—  
Ordered, That the said Ordinance be fairly transcribed.

An Ordinance further to continue, for a limited time, a certain Ordinance relative to persons charged with high treason, suspicion of high treason, misprision of high treason, and treasonable practices, was, according to order, read a second time.

The question of concurrence having then been put upon the said Ordinance, it was agreed to unanimously.

On motion of Mr. Gerrard, seconded by Mr. Walker,—  
Ordered, That the said Ordinance be fairly transcribed.

The order of the day for the second reading of an Ordinance to incorporate the ecclesiastics of the seminary of St. Sulpice, of Montreal, to confirm their title to the fief and seigniority of the Island of Montreal, the fief and seigniority of the Lake of the Two Mountains, and the fief and seigniority of St. Sulpice, in this province; to provide for the gradual extinction of seigniorial rights and dues within the seigniorial limits of the said fiefs and seigniories, and for other purposes, being read :

On the motion of the Honourable Mr. De Rocheblave, seconded by Mr. Quesnel,—  
Ordered, That the said order of the day be discharged.

According to order, the Council was put into a committee of the whole, to take into consideration the communication made yesterday by his Excellency the Governor-general, and entered on the Journals, in reference to the reunion of the provinces of Lower and Upper Canada. After some time the Council was resumed, and Mr. Hale, of Sherbrooke, reported from the said Committee, "That they had come to several resolutions upon the said communication," which he delivered in at the table.

Ordered, That the question of concurrence be put on the said resolutions on the next sitting day.

Then, on motion of Mr. Walker, seconded by Mr. Wainwright,—  
The Council adjourned until to-morrow at noon.

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Wednesday, 13 November 1839.

Present:—The Honourable the Chief Justice, Presiding Member; Messrs. Cuthbert, Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, Molson, Harwood, and Hale, of Sherbrooke.

Prayers.

The order of the day being read for the question of concurrence being put on the resolutions reported yesterday by the committee of the whole Council, on his Excellency the Governor-general's communication in reference to the reunion of the provinces of Lower and Upper Canada.

The said Resolutions being then read, are as followeth :—

1. Resolved, That under existing circumstances, in order to provide adequately for the peace and tranquillity, and the good, constitutional, and efficient government of the provinces of Upper and Lower Canada, the reunion of these provinces under one Legislature, in the opinion of this Council, has become of indispensable and urgent necessity.

2. Resolved, That the declared determination of Her Majesty, conveyed in Her gracious message to Parliament, to reunite the provinces of Upper and Lower Canada, is in accordance with the opinion entertained by this Council, and receives their humble and ready acquiescence.

3. Resolved,



3. Resolved, That among the principal enactments, which, in the opinion of this Council, ought to make part of the Imperial Act for reuniting the provinces, it is expedient and desirable that a suitable civil list should be provided for securing the independence of the judges, and maintaining the executive government in the exercise of its necessary and indispensable functions.

4. Resolved, That regard being had to the nature of the public debt of Upper Canada, and the objects for which, principally, it was contracted, namely, the improvement of internal communications, alike useful and beneficial for both provinces, it would be just and reasonable, in the opinion of this Council, that such part of said debt as has been contracted for this object, and not for defraying expenses of a local nature, should be chargeable on the revenues of both provinces.

5. Resolved, That the adjustment and settlement of the terms of the reunion of the two provinces may, in the opinion of this Council, with all confidence, be submitted to the wisdom and justice of the Imperial Parliament, under the full assurance that provisions of the nature of those already mentioned, as well as such others as the measure of reunion may require, will receive due consideration.

6. Resolved, That, in the opinion of this Council, it is most expedient, with a view to the security of Her Majesty's North American Provinces, and the speedy cessation of the enormous expense now incurred by the parent state for the defence of Upper and Lower Canada, that the present temporary legislature of this province should, as soon as practicable, be succeeded by a permanent legislature, in which the people of these two provinces may be adequately represented, and their constitutional rights exercised and maintained.

The first and second of the said resolutions being again read, and the question being separately put thereon, the Council divided upon each.

Yeas.

The Honourable the Chief Justice.  
Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

Nays.

Mr. Cuthbert.

Mr. Quesnel.

Mr. Neilson.

So they were carried in the affirmative.

The third of the said resolutions being again read, and the question being put thereon, the Council divided on the same.

Yeas.

The Honourable the Chief Justice.  
Messrs. Cuthbert.  
Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Quesnel.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

Nays.

Mr. Neilson.

So it was carried in the affirmative.

The fourth, fifth, and sixth of the said resolutions being again read, and the question being separately put thereon, the Council divided upon each.

Yeas.

The Honourable the Chief Justice.  
Messrs. Pothier.  
De Léry.  
Moffatt.  
M'Gill.  
De Rocheblave.

Messrs. Gerrard.  
Christie.  
Walker.  
Molson.  
Harwood.  
Hale of Sherbrooke.

Nays.

Mr. Cuthbert.

Mr. Neilson.

Mr. Quesnel.

So they were carried in the affirmative.

No. 6.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
18 November 1839.

On the motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. M'Gill—  
Resolved, That an humble address be presented to his Excellency the Governor-general, submitting to his Excellency the foregoing resolutions.  
Then, on motion of the Honourable Mr. M'Gill, seconded by the Honourable Mr. Moffatt, the Council adjourned.

Thursday, 14 November 1839.

Present: The Honourable the Chief Justice, Presiding Member; Messrs. Pothier, De Léry, Moffatt, M'Gill, De Rocheblave, Neilson, Gerrard, Quesnel, Christie, Walker, Molson, Austin, Harwood, and Hale of Sherbrooke.

Prayers.

The following draft of an address to his Excellency the Governor-general was submitted to the Council by the Honourable Mr. Moffatt:

To His Excellency the Right Honourable Charles Poulett Thomson, one of Her Majesty's Most Honourable Privy Council, Governor-general of British North America, and Captain-general and Governor-in-Chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-Admiral of the same.

May it please Your Excellency,

We, Her Majesty's dutiful and loyal subjects, the Special Council for the affairs of Lower Canada, at a meeting convened by your Excellency, under the authority and in pursuance of the statute in this behalf provided, beg leave respectfully to return to your Excellency our thanks for your considerate care of the interests of this province, in having called our attention to Her Majesty's gracious message to both houses of the Imperial Parliament, relative to the reunion of the Provinces of Upper and Lower Canada, upon which important subject your Excellency has been pleased to desire the opinion of the Special Council.

In conformity with the desire of your Excellency, we have applied our deliberate consideration to the various complex interests and objects involved in the measure of reuniting the two provinces; and we most heartily express our humble gratitude to Her Majesty for having granted her high sanction to a measure, which, from our local knowledge, and the experience we have had of the government of these provinces, and of their past and present political state, we deem to be essential to their future peace and welfare and to the good, constitutional, and efficient government of them, under the protecting care and authority of Her Majesty, and the adoption of which, we are intimately convinced, has become of indispensable and urgent necessity.

In considering this contemplated measure, we have directed our attention to a few of the more prominent and important provisions, fit, as we conceive, to be embraced in it; and the views entertained by us on these, as well as on the measure itself, we have embodied in certain resolutions, which we have now the honour humbly to submit to your Excellency, as containing our opinion on the important subject respecting which it has pleased your Excellency to consult us.

The Honourable Mr. Moffatt moved, seconded by Mr. Gerrard,

That the address to his Excellency the Governor-general, now submitted, be adopted by this Council.

The Council divided on the motion.

Yeas.	
The Honourable the Chief Justice.	Messrs. Christie.
Messrs. Pothier.	Walker.
De Léry.	Molson.
Moffatt.	Austin.
M'Gill.	Harwood.
De Rocheblave.	Hale of Sherbrooke.
Gerrard.	
Nays.	
Mr. Neilson.	Mr. Quesnel.

So it was carried in the affirmative, and

Resolved, accordingly, on the motion of the Honourable Mr. Moffatt, seconded by the Honourable Mr. Neilson.

Ordered, That the said address be presented to his Excellency the Governor-general by the whole Council, and that three of its members do wait on his Excellency, humbly to know when his Excellency will be pleased to receive the same.

Ordered,



Ordered, That the Honourable Messrs. Pothier and Moffatt, and Mr. Gerrard, be the said members.

The Council was adjourned during pleasure.

After some time the Council was resumed.

The Honourable Mr. Moffatt reported that the Honourable Mr. Pothier, Mr. Gerrard, and himself, had, according to order, waited on his Excellency the Governor-general, humbly to know at what time his Excellency would be pleased to be attended by the whole Council with their address; and that his Excellency had been pleased to say that he would receive the same immediately after the passing of the Ordinances.

The presiding member reported that this Council had presented their address to his Excellency the Governor-general, to which his Excellency was pleased to return the following answer:—

Gentlemen,

I thank you for the prompt attention you have given to the important subject on which I desired to consult you.

It would afford me great satisfaction to convey to Her Majesty's advisers the opinions which you have recorded, and I can assure you that they will receive from the Imperial Legislature, and from the Government, the consideration which is so justly due to them.

My best attention will be devoted to the important suggestions contained in your resolutions, and it will be most gratifying to me to promote the accomplishment of your wishes.

The presiding member then stated that he had received the command of his Excellency the Governor-general to inform the Council, that the affairs for which the Council was convened having been concluded, the present meeting is closed and the members discharged from further attendance.

I certify the preceding pages to be a true copy of the journals of the Special Council of Lower Canada, for the Sessions commenced the 11th and ended the 14th Nov. 1839.

(signed)

W. B. Lindsay,

Clerk Special Council.

Montreal, 14 November 1839.

No. 6.

Rt. hon. C. Poulett Thomson to Lord John Russell,  
18 November 1839.

— No. 7. —

(No. 18.)

COPY of a DESPATCH from the Right Honourable C. Poulett Thomson to Lord John Russell.

No. 7.

Rt. hon. C. Poulett Thomson to Lord John Russell,  
7 December 1839.

My Lord,

Toronto, 7 December 1839.

I HAVE the honour to inform your Lordship, that on the 3d instant I opened the Legislature of this province, with the speech of which I herewith enclose a copy for your Lordship's information. I yesterday received from both branches of the Legislature addresses in answer to it, of which I also enclose copies. The attendance of members was unusually numerous, and in both Houses the addresses were voted with unaccustomed dispatch.

In conformity with the intention expressed in my speech from the Throne, I have this day sent down to both Houses the accompanying messages on the subject of the reunion of the provinces. The forms observed by the House of Assembly are so tedious, that I fear the consideration of my message can hardly be entered upon before the middle of next week. As the House of Assembly, during its last session, decided the question of the union by a considerable majority, although conditions were affixed to it which were wholly inadmissible, whilst the Legislative Council refused to entertain the subject, I deemed it necessary to make some variation in the message sent to each House, which will be found noted in the copy.

The course which I have adopted for bringing the union under the consideration of the Legislature, and inviting their assent to it, is the result of the best consideration I could give to the subject, after taking the opinions of those most qualified to judge of what would be acceptable to this province, and, at the same time most likely to facilitate the settlement of the question; if, as I have reason to hope, the majority of both Houses concur in assenting to a legislative reunion of the two Canadas; a determination which, I am satisfied, will be in accordance with the wishes and opinions of the vast majority of the people, as well as of the interests of the whole.

Her Majesty's Government will receive a clear and distinct decision of the Upper Canadian Legislature, upon the terms of the union which affect the interests of this province in its relation to the other, as well as to the Crown.

For Governor Thomson's Speech, vide Correspondence relative to the Affairs of Canada, Part I. 1840. p. 202.

No. 7.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
7 December 1839.

And upon points relating to the future government and institutions of the united province, if the union takes place, I shall have the opportunity of receiving any suggestions which either House may make, and of affording any explanation that may be required either to persons appointed for that purpose, or through my official authorities in the Legislature, of the provisions which I shall have to recommend.

I have, &c.  
(signed) *C. Poulett Thomson.*

Encl. in No. 7.

Enclosure in No. 7.

In pursuance of the intention expressed in his speech from the throne, the Governor-general desires now to bring under the consideration of the {Legislative Council  
House of Assembly} the subject of the reunion of this province with Lower Canada, recommended by Her Majesty in her gracious message to both Houses of Parliament on the 3d May last.

For several years the condition of the Canadas has occupied a large portion of the attention of Parliament. That they should be contented and prosperous; that the ties which bind them to the parent state should be strengthened; that their administration should be conducted in accordance with the wishes of the people, is the ardent desire of every British statesman; and the experience of the last few years amply testifies that the Imperial Parliament has been sparing neither of the time it has devoted to the investigation of their affairs, nor of the expenditure it has sanctioned for their protection.

The events which have marked the recent history of Lower Canada are so familiar to the Legislative Council, } that it is unnecessary for the Governor-general further to allude to them. There the constitution is suspended; but the powers of the Government are inadequate to permit of the enactment of such permanent laws as are required for the benefit of the people.

Within this province the finances are deranged; public improvements are suspended; private enterprise is checked; the tide of emigration, so essential to the prosperity of the country, and to the British connexion, has ceased to flow; while by many the general system of Government is declared to be unsatisfactory.

After the most attentive and anxious consideration of the state of these provinces, and of the difficulties under which they respectively labour, Her Majesty's advisers came to the conclusion that by their reunion alone could those difficulties be removed. During the last Session of the Imperial Legislature, they did indeed refrain from pressing immediate legislation, but their hesitation proceeded from no doubt as to the principle of the measure, or its necessity; it arose solely from their desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both provinces.

The time, then, is now arrived beyond which a settlement cannot be postponed. In Lower Canada it is indispensable to afford a safe and practicable return to a constitutional Government; and so far as the feelings of the inhabitants can be there ascertained, the measure of the reunion meets with approbation.

In Upper Canada it is no less necessary to enable the province to meet her financial embarrassments, and to proceed in the development of her natural resources. There are evidently no means in this province of fulfilling the pecuniary obligations which have been contracted, but by a great increase in the local revenues. But so long as Lower Canada remains under her present form of Government, neither province possesses any power over the only source from which that increase can be drawn. Nor even were it possible to restore a representative constitution to Lower Canada, unaccompanied by the union, would the position of this province be much improved, since past experience has shown the difficulty of procuring assent to any alteration of the customs' laws suggested from hence.

This province has engaged in undertakings which reflect the highest honour on the enterprise and industry of her inhabitants. The public works which she has completed or commenced have been conceived in a spirit worthy of a successful result. But additional means are indispensable to avert the ruin of some, and secure the completion of others. Nor will that alone suffice; Lower Canada holds the key to all these improvements. Without her co-operation, the navigation, for which nature has done so much, for which this province has so deeply burdened itself, must remain incomplete, and a barrier be opposed to the development of those great natural resources which the hand of Providence has so lavishly bestowed on this country.

With a view to remove all these difficulties; to relieve the financial embarrassments of Upper Canada; to enable her to complete her public works, and develop her agricultural capabilities; to restore constitutional government to Lower Canada; to establish a firm, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connexion, the union is  
desired



desired by Her Majesty's Government; and that measure alone, if based upon just principles, appears adequate to the occasion.

Those principles, in the opinion of Her Majesty's advisers, are:—a just regard to the claims of either province, in adjusting the terms of the union; the maintenance of the three estates of the Provincial Legislature; the settlement of a permanent civil list for securing the independence of the judges, and to the Executive Government that freedom of action which is necessary for the public good; and the establishment of a system of local government adapted to the wants of the people.

It was with great satisfaction, then, that Her Majesty's Government learned that, upon the question of the union itself, the House of Assembly had pronounced their decided judgment during their last session, and it will only remain for the Governor-general now to invite their assent to the terms upon which it is sought to be effected. That decision was indeed accompanied by recommendations to which the Government could not agree, but the Governor-general entertains no doubt that, under the altered circumstances, they will no more be renewed. [*To the Legislative Council.*—The Governor-general, therefore, now invites the assent of the Legislative Council to the following terms, upon which the union may be established.] It will be for the Imperial Parliament, guided by their intimate knowledge of constitutional law, and free from the bias of local feelings and interests, to arrange the subordinate details.

The first of the terms of reunion to which the Governor-general desires the assent of the House of Assembly, is the equal [*To the Legislative Council.*—That there be an equal] representation of each province in the united legislature. Considering the amount of the population of Lower Canada, this proposition might seem to place that province in a less favourable position than Upper Canada; but under the circumstances in which this province is placed, with the increasing population to be expected from emigration, and having regard to the commercial and agricultural enterprise of its inhabitants, an equal apportionment of representation appears desirable.

The second stipulation to be made, is the grant of a sufficient civil list. The propriety of rendering the judicial bench independent, alike of the executive and of the legislature, and of furnishing the means of carrying on the indispensable services of the government, admits of no question, and has been affirmed by the Parliament of Upper Canada in the Acts passed by them for effecting those objects.

In determining the amount of the civil list, the {Legislative Council  
House of Assembly} may be assured that the salaries and expenses to be paid from it will be calculated by Her Majesty's Government with a strict regard to economy, and the state of the provincial finances. Thirdly, the Governor-general is prepared to recommend to Parliament, that so much of the existing debt of Upper Canada as has been contracted for public works of a general nature, should, after the union, be charged on the joint revenue of the united province. Adverting to the nature of the works for which this debt was contracted, and the advantage which must result from them to Lower Canada, it is not unjust that that province should bear a proportion of their expense.

On these principles, the Governor-general is of opinion that a reunion of the two provinces may be effected, equitable and satisfactory in its terms, and beneficial in its results to all classes. He submits them to the consideration of the {Legislative Council  
House of Assembly} in the full conviction of their importance, and in the hope that they will receive the assent of that House. Fortified by the expression of their opinion, Her Majesty's Government and Parliament will be able at once to apply themselves to the full development of the scheme, and to the consideration of the provisions by which it may be carried into effect with the greatest advantage to the people of both provinces. If in the course of their proceedings, the {Legislative Council  
House of Assembly} should desire any information, which it is in the power of the Governor-general to afford, they will find him ready and anxious to communicate with them frankly and fully, and to aid by all the means in his power that settlement, on which he firmly believes that the future prosperity and advancement of these colonies mainly depend.

— No. 8. —

(No. 21.)

COPY of a DESPATCH from the Right hon. C. Poulett Thomson to Lord John Russell.

My Lord,

Toronto, 14 December 1839.

In my despatch of the 7th instant, No. 18, I informed your Lordship that I had on that day transmitted to each branch of the Provincial Legislature a message on the subject of the reunion of this Province with Lower Canada. Printed copies of those messages I now enclose for your information.

In both Houses, the consideration of this important question was adjourned from Saturday until Tuesday, on which day resolutions in reply were introduced

No. 7.

Rt. hon. C. Poulett Thomson to Lord John Russell,  
7 December 1839.

No. 8.

Rt. hon. C. Poulett Thomson to Lord John Russell,  
14 December 1839.

For Messages, vide  
Despatch, 7 Dec.  
p. 16.

No. 8.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
14 December 1839.

duced into the Legislative Council by Mr. Sullivan, and into the Assembly by the Solicitor-general.

In the Legislative Council the debate commenced on Tuesday last, in a committee of the whole House, and was continued, by adjournment, until yesterday, when, on a division, the resolutions, of which I enclose a copy, were carried by a majority, as I am informed, of 14 to 8.

No. 1.

As the Legislative Council do not record their votes, I am unable to furnish your Lordship with an authentic list of the division, but I annex the list which has been furnished to me by a gentleman who was present, and which I have every reason to believe correct.

No. 2.

It is worthy of notice that an amendment having been proposed to negative unconditionally the reunion of the provinces, but four members could be found to support it.

No. 3.

The House waited on me this day to present their resolutions, when I returned to them the answer of which I enclose a copy. I refer to this circumstance, which is one not of usual occurrence, as a strong proof of the willingness of the Legislative Council to approve of the course which I have adopted, of the principles on which this measure is proposed by Her Majesty's Government, and of the terms which have been offered, and to rely with confidence on them and on the Imperial Legislature for the arrangement of the details of the measure. I cannot but feel satisfied that this decided expression of opinion on the part of gentlemen so well acquainted with the affairs of Canada, and possessing so large a stake in the province, will have a very beneficial effect both on this continent and in the mother country.

In the House of Assembly the debate has likewise been continued from day to day, but no decision has as yet been taken by them on the resolutions. I trust, however, that it may be in my power to communicate to your Lordship, by the next opportunity, the result of their deliberations.

I have, &c.

(signed) C. Poulett Thomson.

#### Enclosure 1, in No. 8.

Encl. 1, in No. 8. RESOLUTIONS adopted by the Legislative Council, and presented to his Excellency the Governor-General, on the subject of a Reunion of the Provinces of Upper and Lower Canada, with his Excellency's Answer thereto.

14 December 1839.

Resolved, 1—THAT the events which have lately marked the history of Lower Canada, the consequent necessity for a suspension of her constitution, and the inadequacy of the powers of Government existing there for the enactment of permanent laws, such as are required for the benefit of the people, present a state of public affairs in the sister province deeply to be deplored by this House, as well from a disinterested anxiety for the welfare of a people so nearly connected with Upper Canada, as in consideration of the injurious consequences resulting to this community from a continuance of the unsettled political condition of the Lower Province.

Resolved 2,—That the present derangement of the finances of Upper Canada, the total suspension of her public improvements, the paralysed condition of private enterprise, the cessation of immigration, and the apparent impossibility of the removal of these evils, without the united efforts of both the Canadian Provinces, make the adoption of some great measure necessary, which will restore prosperity to the Canadas, and renew confidence at home and abroad in the stability of their political institutions.

Resolved, 3—That considering the hopelessness arising from past experience, and from a view of the political condition of Lower Canada, of ever realizing, in separate legislatures, the unity of feeling or action in measures affecting equally the interests of both provinces, on which the prosperity or safety of either may essentially depend, a reunion of the provinces of Upper and Lower Canada has, in the opinion of this House, become indispensable for the restoration of good government within these colonies, and for the preservation of their institutions in connexion with the parent state.

Resolved, 4—That for these urgent reasons, the assent of this House be expressed to the important measure of reunion of the provinces of Upper and Lower Canada, recommended by Her Majesty to both Houses of Parliament, and to the Houses of the Provincial Legislature by his Excellency the Governor-general; and that such assent on the part of this House be given on the following terms:

First, That there be an equal representation of each province in the united legislature.

Secondly, That a sufficient permanent civil list be granted to Her Majesty, to enable Her Majesty to render the judicial bench independent alike of executive power and popular influence, and to carry on the indispensable services of government.

Thirdly,



Thirdly, That the public debt of this province shall, after the union, be charged on the joint revenue of the united province.

Resolved, 5—That in yielding this ready concurrence to the measure of reunion of the provinces, strongly recommended by Her Majesty, the Legislative Council of Upper Canada rely upon the wisdom and justice of their most gracious Sovereign, and of Her Majesty's Parliament, for devising the details of the plan of reunion, and for the establishment of such a system of government in the United Province as will tend to the developement of its natural resources, and enable it, with the blessing of Divine Providence, to pursue steadily, and free from the distractions by which the country has lately been divided, the course of prosperity and happiness which the best interest of the people of Canada, and of the empire, alike require not to be longer impeded.

No. 8.

Rt. hon. C. Poulett Thomson to Lord John Russell,  
14 December 1839.

Enclosure 2, in No. 8.

Encl. 2, in No. 8.

FOR.			RESIDENCE.			AGAINST.			RESIDENCE.		
1	Adamson	-	-	Home District.		1	The Bishop	-	-	Toronto.	
2	Baldwin	-	-	Toronto.		2	Allan	-	-	Ditto.	
3	Crooks	-	-	Hamboro'.		3	Crookshank	-	-	Ditto.	
4	Dunn	-	-	Toronto.		4	Elmsley	-	-	Ditto.	
5	De Blaquiére	-	-	Oxford.		5	Macaulay, J. S.	-	-	Ditto.	
6	Fraser	-	-	Glengarry.		6	M'Donell	-	-	Ditto.	
7	Fergusson	-	-	Hamilton.		7	Willson	-	-	Gore District.	
8	Macaulay, John	-	-	Toronto.		8	Vankoughnett	-	-	Cornwall.	
9	Morris	-	-	Perth.							
10	M'Donald	-	-	Guananoque.							
11	M'Gillivray	-	-	Glengarry.							
12	Radcliffe	-	-	Western District, Adelaide.							
13	Sullivan	-	-	Toronto.							
14	Wells	-	-	Toronto.							

Enclosure 3, in No. 8.

Encl. 3, in No. 8.

Honourable Gentlemen,

THE diligence and attention which you have devoted to the consideration of the important subject referred to you in my message, demands my warmest acknowledgments, and your decision affords me the utmost gratification.

I shall have great satisfaction in transmitting to Her Majesty's Government the resolutions which you have adopted; and you may rest assured that the confidence which you have no less wisely than generously reposed in the wisdom and justice of our gracious Sovereign, and of the Imperial Parliament, for the settlement of the details of the plan of reunion, will be felt as an additional motive for anxious attention being devoted to the establishment of provisions calculated to promote the future peace, prosperity and good government of Upper Canada.

In the advice and recommendations which it will be my duty to offer, founded on the information I shall have acquired in both Provinces, I shall be guided by the most anxious desire to secure those important results, for the attainment of which the Legislative Council of Upper Canada has declared its assent to the reunion.

— No. 9. —

(No. 22.)

COPY of a DESPATCH from the Right Honourable C. Poulett Thomson to Lord John Russell.

My Lord,

Toronto, 23 December 1839.

I HAVE great satisfaction in informing your Lordship that on Friday last, the House of Assembly adopted by large majorities the resolutions agreeing to the union of this province with Lower Canada, upon the principles proposed by Her Majesty's Government, and on the terms to which I invited their assent by my message to both Houses; and to-day I received the address of the House of Assembly, of which, together with my answer, I have the honour to enclose copies.

The consideration of these resolutions occupied the attention of the House for many days in committee, but no record being kept of the proceedings in that stage,

No. 9.

Rt. hon. C. Poulett Thomson to Lord John Russell,  
23 December 1839.

No. 1.

No. 2.

No. 3.

No. 9.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
23 December 1839.

20

CORRESPONDENCE RELATIVE TO THE

No. 4

resolutions were put from the chair, and I enclose an extract from the journals, to which I would beg your Lordship's particular attention, as indicating not merely the sense of the House of Assembly upon the resolutions themselves, but as showing the opinion of that body against any additional conditions or restrictions of any kind being imposed on Her Majesty's Government or Parliament, which might fetter their deliberations on the measure which I shall have to recommend.

The only variation to the strict form of acquiescence in the principles or terms of union submitted by me to the House of Assembly, is to be found in the third resolution respecting the civil list. In this, the House of Assembly express their desire that such part of the civil list as did not relate to the salaries of the judges, and the governor, and the administration of justice, which are made permanent, should be granted for the life of the Queen, or for a period of not less than ten years. As the expression of "permanent" was used in my message, this must be considered as some variation from the principle submitted by me. But upon examining the subject closely, I felt that I could not with any propriety call upon the House to do more. It was not in my power, as I informed them, to state either the amount of the civil list required, or to specify the officers and salaries, or the other expenses to be charged upon it. The Bill introduced into the Imperial Parliament last session attempted to do so; but it was clear to me, upon full consideration, that many charges which the public service requires to be placed beyond the control of annual votes, had been omitted from that list; and that besides it was impossible for me to state either the nature of the officers, or the amount of the salaries and expenses which might be necessary under the United Government, and the new order of administration which I hope to see introduced. The civil list for this province, it is to be remembered also, has not yet been definitively fixed, and there are some charges of a temporary nature now defrayed from the casual and territorial revenues, which might be the subject of much contention. When, therefore, I found the House generously assenting to leave both the amount and distribution of the sum to be set apart for the payment of fixed charges for the Government service, altogether to Her Majesty's Government, and to the discretion of the person who might be charged with the arrangement of the united Government in the provinces, it seemed to me reasonable to afford an opportunity at some future, and, perhaps, distant time, for the revision of that arrangement if necessary. At the same time it is in the power of Parliament to alter the terms, if it should see fit.

I shall submit to your Lordship at the proper time the provisions by which I should propose that the intentions of the House of Assembly should be carried out in the Union Bill; but I will here add that I trust Her Majesty's Government will acknowledge the generous confidence which is displayed by the House of Assembly upon this subject, and support me in the endeavour I shall undoubtedly make, if I am charged with the discretionary exercise of the power thus granted, to limit the expenditure under this head as much as possible, and to leave as much of the expenses of the Government as can be done with safety and propriety, to the legitimate control of the representatives of the people, by annual vote.

In transmitting to your Lordship this decision of the House of Assembly, which completes the expression of their assent to the union of Upper and Lower Canada, and to the terms and principles on which it is proposed, from all the constituted legislative bodies in both provinces, I cannot but express my conviction that never has opinion been more fairly taken, more decidedly expressed, or with a fuller understanding of what was agreed to; and I must likewise remark, that if every day's experience has convinced me more and more of the wisdom and true policy of a reunion, so have I become more and more satisfied that the measure is no less in accordance with the wishes of the great majority of the people, than it is with the interests of all.

I have, &c.

(signed) C. Poulett Thomson.



Enclosure 1, in No. 9.

No. 9.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
23 December 1839.

To His Excellency the Right Hon. *Charles Poulett Thomson*, one of Her Majesty's most Honourable Privy Council, Governor-general of British North America, and Captain-general and Governor-in-chief in and over the Provinces of Lower Canada and Upper Canada, Nova Scotia, New Brunswick, and the Island of Prince Edward, and Vice-admiral of the same.

Encl. 1, in No. 9.

May it please your Excellency,

WE, Her Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg to transmit to your Excellency certain resolutions which we have adopted, in reference to the message of your Excellency on the subject of the Union of these Provinces.

(signed) *Allan N. Macnab*, Speaker.

House of Assembly, 21 Dec. 1839.

Enclosure 2, in No. 9.

RESOLUTIONS Proposed on the Subject of the Union of the Provinces.

Resolved, That the House of Assembly, at its last Session, declared that, in their opinion, a united Legislature for the Canadas, on certain terms, was indispensable, and that further delay must prove ruinous to their best interests, and that his Excellency the Governor-general, by his message to this house, has announced that, with a view to remove the difficulties of these provinces, to relieve the financial embarrassments of Upper Canada, to enable her to complete her public works and develop her agricultural capabilities, to restore constitutional government to Lower Canada, to establish a firm, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connexion, the legislative union of Upper and Lower Canada has been recommended by Her Majesty to the Imperial Parliament; and his Excellency the Governor-general has invited the assent of this house to certain specified terms upon which the union may be established. It therefore becomes the duty of the representatives of the people of this province carefully to consider the provisions by which this measure may be carried into effect with the greatest security to their future peace, welfare and good government, and the permanent connexion of these colonies with the British empire.

Encl. 2, in No. 9.

2. Resolved, That this house concur in the proposition that there be an equal representation of each province in the united legislature.

3. Resolved, That this house concur in the proposition that a sufficient civil list be granted to Her Majesty for securing the independence of the judges, and to the Executive Government that freedom of action which is necessary for the public good: the grant for the person administering the government, and for the judges of the several superior courts, to be permanent, and for the officers conducting the other departments of the public service, to be for the life of the Sovereign, or for a period of not less than ten years.

4. Resolved, The public debt of this province shall, after the union, be charged on the joint revenue of the United Province.

Enclosure 3, in No. 9.

MESSAGE Presented to House, 23d December 1839.

Gentlemen,

It affords me the most sincere satisfaction to find that after a careful deliberation on the propositions suggested by me for the reunion of this province with Lower Canada, those propositions have received your assent. I shall take the earliest opportunity of transmitting your resolutions to Her Majesty's Government, with a view to their being laid before the Imperial Legislature.

Encl. 3, in No. 9.

The generous confidence which you have reposed in Her Majesty's Government and Parliament respecting the Civil List, and the details of the measure of reunion will be duly appreciated, and it will be the anxious endeavour of Her Majesty's advisers, in all their proceedings upon this important subject, to justify that confidence, and promote the permanent well-being of the people of Upper Canada.

For myself personally I beg you to accept my thanks for the diligence and attention which you have devoted to the communications which it has been my duty to make to you. If, as I feel confident, the union should be productive of the advantages to this province, which I anticipate from it, it will hereafter be my greatest pride to have co-operated with you in perfecting that measure.

No. 9.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
23 December 1839.

Enclosure 4, in No. 9.

ABSTRACT of Proceedings, House of Assembly.

Thursday, 19th December 1839.

Encl. 4, in No. 9.

House in Committee of whole on the subject of the Union of the Provinces; progress reported; sit again this day.

House in Committee on Message of his Excellency on the subject of the Union; resolutions reported.

The first resolution put as follows:—

Resolved, That the House of Assembly at its last session declared that, in their opinion, a united legislature for the Canadas on certain terms was indispensable, and that further delay must prove ruinous to their best interests; and that his Excellency the Governor-general, by his message to this House, has announced that, with a view to remove the difficulties of these provinces, to relieve the financial embarrassments of Upper Canada, to enable her to complete her public works, and develop her agricultural capabilities, to restore constitutional government to Lower Canada, to establish a firm, impartial, and vigorous government for both, and to unite the people within them in one common feeling of attachment to British institutions and British connexion, the Legislative Union of Upper and Lower Canada has been recommended by Her Majesty to the Imperial Parliament, and his Excellency the Governor-general has invited the assent of this House to certain specified terms upon which the Union may be established: it therefore becomes the duty of the representatives of the people of this province carefully to consider the provisions by which this measure may be carried into effect with the greatest security to their future peace, welfare and good government, and the permanent connexion of these colonies with the British empire.

In amendment, moved by Mr. Robinson, That all after the word "Resolved" be expunged, and the following inserted: "That while this House feels truly grateful to Her Majesty for causing the subject of the reunion of Upper and Lower Canada to be submitted to the representatives of Her Majesty's loyal subjects in this province for their consideration, before finally adopting a measure calculated so materially to change their social and political situation, it cannot, after mature deliberation, give its sanction to any proposition having for its object the reunion of these provinces, which they humbly submit will, if carried into effect, have no other result than to render the difficulties in Lower Canada in a short time more formidable, while it would endanger the security and advantages which Upper Canada has hitherto enjoyed."

Yeas and Nays on the Amendment.—Yeas: Messrs. Attorney-general, Boulton, Caldwell, Cartwright, Elliott, Gamble, Jarvis, M'Crae, M'Donell (Northumberland), Murney, Robinson—11. Nays: Messrs. Aikman, Armstrong, Bockus, Burwell, Burritt, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Gowan, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Lean, M'Micking, Merritt, Moore, Morris, Parke, Powell, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-general, Small, Thomson, Thorburn, Wickens, Woodruff—44. Amendment lost; majority, 33.

In amendment, moved by Mr. Cartwright, That all after the word "Resolved" in the original motion be expunged, and the following inserted: "That his Excellency the Governor-general, in his message to this House, transmitted on the 7th inst., has declared, 'That it was with great satisfaction Her Majesty's Government had learnt that upon the question of the union itself the House of Assembly had pronounced their decided judgment during their last session,' this House feels it due to the wishes of their constituents, the best interests of the province, and its connexion with the parent state, to protest against any other construction being put upon the resolutions of this House respecting the union, other than a decided opposition to that measure, except upon the conditions which are set forth in their resolutions of the 27th March last, which this House in its deliberate and mature consideration feels it its duty to assert to be essential and indispensable."

Division on Amendment.—Yeas: Messrs. Armstrong, Bockus, Boulton, Burritt, Burwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Jarvis, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Thomson—21. Nays: Messrs. Aikman, Attorney-general, Caldwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Hotham, Hunter, Kearns, Lewis, Mallock, Manahan, Marks, M'Cargan, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Robinson, Shaver, Solicitor-general, Small, Thorburn, Wickins, Woodruff—34. Amendment lost; majority 13.

Division on the original Question.—Yeas: Messrs. Aikman, Attorney-general, Bockus, Burritt, Burwell, Cartwright, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Gamble, Gowan, Hotham, Hunter, Kearns, Lewis, Mallock, Manahan, Marks, M'Cargan, M'Donell (Glengarry), M'Donell (Northumberland), M'Donnell (Stormont), M'Kay, M'Lean, M'Micking, Merritt, Moore, Morris, Murney, Parke, Powell, Richardson, Ruttan, Rykert, Shade, Shaver, Sherwood, Solicitor-general, Small, Thomson, Thorburn, Wickins, Woodruff—47. Nays: Messrs. Boulton, Caldwell, Elliott, Jarvis, M'Intosh, Robinson—6. First Resolution carried; majority, 41.

The



The second resolution was read as follows:—Resolved, That this House concur in the proposition that there be an equal representation of each province in the United Legislature.

In amendment, moved by Mr. Sherwood, that all after the word "Resolved," the whole be expunged, and the following inserted:—"That this House cannot concur in the proposition that there be an equal representation of each province, but are of opinion that the number of members to be returned to serve in the House of Assembly of the United Legislature be as follows:—From Lower Canada, 50 members; from Upper Canada, as at present."

Division on Amendment: Yeas—Messrs. Armstrong, Boulton, Burritt, Burwell, Cartwright, Elliott, Hunter, Jarvis, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Thomson, Wickens—19.

Nays—Messrs. Aikman, Attorney-general, Bockus, Caldwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Gamble, Gowan, Hotham, Kearns, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merrit, Moore, Morris, Parke, Powell, Robinson, Shaver, Solicitor-general, Small, Thorburn, Woodruff—36.

Amendment lost; majority 17.

In Amendment by Mr. Gowan—That after the word "Resolved," in the original, the whole be expunged, and the following inserted:—"That upon a matter of such grave importance as a Legislative Union of this province with Lower Canada, this House is unwilling to assume the responsibility of assenting to a measure involving so many important considerations without a further manifestation of the public will than has yet been declared, and the House considering that, before assenting to any measure that might involve the liberties of the people, and deprive them of their constitutional charter, it would be but an act of proper courtesy and respect to the intelligence and loyalty of the people of Upper Canada to appeal directly to them upon the question; that therefore an humble address be presented to his Excellency the Governor-general, praying that his Excellency may be graciously pleased to exercise the Royal prerogative by dissolving this present Parliament."

Yeas—Armstrong, Detlor, Gamble, Gowan, Jarvis, M'Crae, M'Donnell (Stormont), M'Intosh, Rykert, Sherwood, Thomson—11.

Nays—Aikman, Attorney-general, Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Elliott, Ferrie, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donell (Northumberland), M'Kay, M'Lean, M'Micking, Merrit, Moore, Morris, Murney, Parke, Powell, Richardson, Robinson, Ruttan, Shade, Shaver, Solicitor-general, Small, Thorburn, Wickins, Woodruff—44.

Amendment lost; majority, 33.

Division on original question: Yeas—Aikman, Attorney-general, Bockus, Chisholm (Halton), Chisholm (Glengarry), Cook, Detlor, Duncombe, Dunlop, Ferrie, Hotham, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Shaver, Solicitor-general, Small, Thorburn, Wickins, Woodruff—33.

Nays—Messrs. Armstrong, Boulton, Burritt, Burwell, Caldwell, Cartwright, Elliott, Gamble, Hunter, Jarvis, M'Donell (Northumberland), M'Lean, Murney, Richardson, Robinson, Ruttan, Rykert, Shade, Sherwood, Thomson; 20.

Question carried; majority, 13.

Third Resolution put as follows:—

Resolved, That this House concur in the proposition that a sufficient civil list be granted to Her Majesty for securing the independence of the judges, and to the Executive Government that freedom of action which is necessary for the public good. The grant for the person administering the Government, and for the judges of the several superior courts to be permanent; and for the officers conducting the other departments of the public service to be for the life of the Sovereign, and for a period of not less than 10 years.

Yeas—Messrs. Aikman, Armstrong, Attorney-general, Bockus, Burritt, Burwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Elliott, Ferrie, Hotham, Hunter, Jarvis, Kearnes, Lewis, Mallock, Manahan, M'Cargar, M'Donell (Glengarry), M'Donell (Northumberland), M'Donnell (Stormont), M'Kay, M'Lean, M'Micking, Merrit, Moore, Morris, Murney, Parke, Powell, Ruttan, Rykert, Shade, Shaver, Solicitor-general, Small, Thomson, Thorburn, Wickins, Woodruff—43.

Nays—Messrs. Boulton, Caldwell, Cartwright, Detlor, Gamble, M'Intosh, Robinson, Sherwood—8.

Question carried; majority, 35.

Fourth Resolution put and carried as follows:—

Resolved, That the public debt of this province shall, after the union, be charged on the joint revenue of the united province.

Adjourned.

No. 9.

Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
23 December 1839.

Enclosure 5, in No. 9.

ABSTRACT of Proceedings, House of Assembly.

Friday, 20 December 1839.

Encl. 5, in No. 9.

Address moved to his Excellency the Governor-general, transmitting Resolutions on the subject of the Union to his Excellency.

Amendment by Mr. Cartwright, That the following be embodied in the Address :—

Resolved, That this House, having thus far concurred in the proposition of Her Majesty's Government, are bound by a sense of justice and duty to their constituents and the province at large, to declare further what provision they consider as essentially necessary to obtain from the union those results which alone can justify its adoption, and in the expectation of which this House alone consents to the measure. That, in order to secure to the deliberations of the United Legislature all possible freedom from the influence of origin and institutions derived from a foreign country, and of the associations arising from the deplorable events which have happened within the last two years in the sister province, the seat of Government should be fixed at some place in Upper Canada; and that the English alone should be the language of the United Legislature, as this provision will, in the opinion of this House, be found an indispensable auxiliary to the amalgamation of the people, and to the gradual assimilation of the institutions of Upper and Lower Canada; and that this House desire to recommend to the consideration of Her Majesty's Government the propriety of introducing into any law for uniting these provinces a clause requiring a real property qualification for Members of the House of Assembly; and that, saving such exceptions as the foregoing Resolutions may render necessary, this House desire to see the principles of the constitution of 1791 maintained and preserved inviolate; and they rejoice to perceive among the principles recognized by Her Majesty's Ministers, as forming the basis of the union, is to be found "the maintenance of the three estates of the Provincial Legislature," by which this House clearly understand that the constitutional prerogative of the Crown will be upheld; that the principles on which the Legislative Council was created will not be departed from, and that the rights and liberties of the people, and the privileges of their representatives, will be guarded and sacredly preserved.

Yeas—Messrs. Bokus, Boulton, Burritt, Burwell, Cartwright, Detlor, Elliott, Hunter, Lewis, Mallock, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Ruttan, Rykert, Shade, Sherwood, Solicitor-general, Thomson—21.

Nays—Messrs. Attorney-general, Caldwell, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Gowan, Hotham, Kearnes, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Morris, Parke, Powell, Robinson, Shaver, Small, Thorburn, Wickins, Woodruff—29.

Amendment lost; majority, 8.

In Amendment, by Mr. Bokus, that the original be expunged and the following inserted :—That it be resolved, that this House did, on the 27th day of March 1839, adopt the following Resolutions by large majorities :—

Wednesday, 27 March 1839.

Resolved, That in reference to the Resolutions of this House on the subject of a legislative union of the provinces of Upper and Lower Canada, this House is distinctly opposed to that measure, unless the conditions, as embodied in the following Resolutions, be fully carried out in any Act to be passed by the Imperial Legislature for that purpose :—

1st. Resolved, That in the event of the Union of the provinces of Upper and Lower Canada, the seat of Government should be within the present boundary of Upper Canada.

2d. Resolved, That that portion of Lower Canada lying east of the Madawaska, and south of the St. Lawrence, consisting of the counties of Gaspé, Bonaventure, and Rimouski, be attached to the province of New Brunswick.

3d. Resolved, That a proper qualification for Members of the Legislative Council and House of Assembly be fixed upon by the Act of Union.

4th. Resolved, That the Act of Union not to make void any of the appointments of the present Legislative Council, in full confidence that future appointments will be made in such manner, from the different districts, as best to secure the commercial, agricultural and general interests of the province.

5th. Resolved, That the number of Members to be returned to serve in the House of Assembly be as follows :—From Lower Canada, 50 Members; from Upper Canada, as at present.

That the elective franchise in counties be confined to those who hold their lands in free and common socage from and after a time to be settled by the Imperial Parliament, not later than the year 1845, and that it be strongly urged on the Imperial Parliament to pass immediate measures for facilitating the change of tenure in Lower Canada, so as to extend to them the exercise of the elective franchise with as little delay as possible.

6th. Resolved, That a new division of Lower Canada into counties be made by the Governor and Council of that province, so as to provide for the election of such number of members as, together with the members from cities and towns, make up the number to be returned from Lower Canada.

7th. Resolved, That the English language be spoken and used in the legislature, courts of justice, and in all other public proceedings.

8th. Resolved,



8th. Resolved, That courts of appeal and impeachment be established within the united province.

9th. Resolved, That the surplus revenue of the post-office, together with the casual and territorial, and every other branch of revenue, be placed under the control of the legislature.

10th. Resolved, That, until otherwise provided for by the joint legislature, the courts and laws to remain as at present.

11th. Resolved, That the debt of both provinces shall be chargeable on the revenue of the united province.

12th. Resolved, That the local legislature have power to originate duties, or reduce them from time to time, as they may deem necessary and advisable, subject however to restrictions similar to those of 42d section of 31 Geo. 3, c. 31, respecting certain local Acts.

13th. Resolved, That, with the above exceptions, the principles of our constitution, as contained in 31 Geo. 3, c. 31, remain inviolate.

14th. Resolved, That there be two commissioners appointed to proceed to England on the part of this House, and that Sir Allan N. M'Nab, Speaker of this House, and William Hamilton Merritt, Esq. M. P. for the county of Haldimand, be the said commissioners.

That his Excellency the Governor-general, by his message of the 7th December instant, informed this House as follows :

"After the most attentive and anxious consideration of the state of these provinces, and of the difficulties under which they respectively labour, Her Majesty's advisers came to the conclusion, that by their reunion alone could those difficulties be removed. During the last session of the Imperial Legislature they indeed refrained from pressing immediate legislation ; but their hesitation proceeded from no doubt as to the principle of the measure or its necessity. It arose from their desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both provinces. And this House having, after much discussion, abandoned the above recited conditions ; and as the resolutions adopted by this House do not contain ' information from which the details might be rendered more satisfactory to the people of both provinces,'—

"Be it therefore further resolved, That the people of this province have a just right to an opportunity of expressing their opinions on this momentous question, by petition to this House ; and, as the annual township meetings will be held in the several townships of this province on the first Monday in the month of January next, it is expedient to postpone the further consideration of the question of the reunion of these provinces until Monday, the 13th day of January next.

Division on Mr. Bockus's amendment :—

Yeas—Messrs. Bockus, Boulton, Burwell, Cartwright, Detlor, Elliott, Gowan, M'Crae, M'Lean, Murney, Rykert, Thomson—12.

Nays—Messrs. Attorney-general, Burritt, Chisholm (Halton), Chisholm (Glengarry), Cooke, Duncombe, Dunlop, Ferrie, Hunter, Jarvis, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Richardson, Robinson, Ruttan, Shade, Shaver, Sherwood, Small, Solicitor-general, Thorburn, Wickins, Woodruff—37.

Amendment lost—majority 25.

In amendment, Mr. Cartwright, That the following be added to the original motion :—

"And that the said committee be instructed to embody in the said address the following words :—

'That, saving such alterations as the said resolutions may render necessary, the principles of the constitution, as contained in the Act 31st Geo. 3, c. 31, may be preserved inviolate.' "

Yeas—Attorney-general, Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Hunter, Jarvis, Mallock, M'Crae, M'Donell (Northumberland), M'Lean, Murney, Richardson, Robinson, Rykert, Shade, Sherwood, Solicitor-general, Thomson—25.

Nays—Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Hotham, Kearnes, Lewis, Manahan, Marks, M'Cargar, M'Donnell (Glengarry), M'Donell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Ruttan, Shaver, Small, Thorburn, Wickins, Woodruff—28.

Amendment lost—Majority, 3.

On the original question,—

Yeas—Messrs. Attorney-general, Chisholm (Halton), Chisholm (Glengarry), Cook, Duncombe, Dunlop, Ferrie, Hotham, Hunter, Kearnes, Lewis, Mallock, Manahan, Marks, M'Cargar, M'Donell (Glengarry), M'Donell (Northumberland), M'Donnell (Stormont), M'Intosh, M'Kay, M'Micking, Merritt, Moore, Morris, Parke, Powell, Ruttan, Shaver, Small, Solicitor-general, Thorburn, Wickins, Woodruff—33.

Nays—Messrs. Bockus, Boulton, Burritt, Burwell, Caldwell, Cartwright, Detlor, Elliott, Gamble, Gowan, Jarvis, M'Crae, M'Lean, Murney, Richardson, Robinson, Rykert, Shade, Sherwood, Thomson—20.

Question carried—majority, 13.

[Adjourned.]

No. 10.  
Lord John Russell  
to the Rt. hon.  
C. P. Thomson,  
3 February 1840.

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— No. 10. —

(No. 68.)

COPY of a DESPATCH from Lord *John Russell* to the Right Hon.  
*C. Poulett Thomson*.

Sir,

Downing-street, 3 February 1840.

I HAVE to acknowledge the receipt of your despatch, No. 22, of the 23d of December, reporting the adoption, by large majorities of the House of Assembly of Upper Canada, of the resolutions proposed for the reunion of the province with Lower Canada, on the basis contemplated by the Government, and conformably with the terms which you had recommended. In this despatch you likewise furnish a copy of the proceedings of the House.

I have at the same time received your despatch, No. 23, of the 24th of December, in which you enclose extracts of the minutes of the Legislative Council, showing the anxiety which prevailed in that branch of the Legislature to meet the views of Her Majesty's Government on this important question.

It is with sincere gratification that Her Majesty's Government have received the intelligence communicated in these despatches; and in conveying to you their entire approbation of your proceedings, I beg you to accept my congratulations on the success which has attended your measures, and the expression of my high opinion of the ability and judgment with which you have conducted them.

I cannot but anticipate the happiest results from the unanimity which has prevailed in both Houses of the Legislature on this occasion, and from the confidence which is placd by them in the Imperial Parliament, and in the efforts of the Government so to legislate on the question, as to secure the happiness and prosperity of Her Majesty's Canadian subjects.

I have, &c.

(signed) *J. Russell*.

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— No 11. —

No. 11.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
24 December 1839.

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(No. 23.)

COPY of a DESPATCH from the Right Hon. *C. Poulett Thomson* to Lord  
*John Russell*.

My Lord,

Toronto, 24 December 1839.

WITH reference to my despatch to your Lordship of the 14th instant, No. 21, I transmit herewith, for your information, an extract from the Journals of the Legislative Council, showing the proceedings of that House when the resolutions on the subject of the reunion of Upper and Lower Canada were brought up from the committee.

From these proceedings your Lordship will perceive that every attempt to attach any fresh conditions to the resolutions was at once rejected; and, as a still stronger illustration of the confidence reposed by the Council in Her Majesty's Ministers and the Imperial Legislature, I have to state that, when subsequently resolutions were brought forward, embodying, as recommendations only for consideration, some of the stipulations which had previously been proposed as conditions, those resolutions were at once rejected, although I had expressed my readiness to receive them, and also stated that they should receive, both on my own part and that of Her Majesty's Government, attentive consideration.

I have, &c.

(signed) *C. Poulett Thomson*.



## Enclosure in No. 11.

## EXTRACT from the Journals of the Legislative Council.

No. 11.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
24 December 1839.

Encl. in No. 11.

THE chairman reported that the Committee had gone through the subject-matter of said message, and had agreed to a series of resolutions, which they recommended to the adoption of the House.

Ordered, That the report be received; and the said resolutions were then read by the clerk as follows:—

The first resolution being read a second time, and the question of concurrence being put thereon, it was moved and seconded, in amendment thereto, "That after the word 'that,' in line 1 of the said resolution, the remainder be expunged, and 'a union of the Provinces of Upper and Lower Canada is inexpedient,' be inserted instead thereof."

Whereupon the question of concurrence was put thereon, and the same was carried in the negative.

The original question was then put and carried in the affirmative.

The second resolution being read a second time, and the question of concurrence put thereon, the same was carried in the affirmative.

The third resolution being read a second time, and the question of concurrence being put thereon, it was moved and seconded, in amendment thereto, "That after 'a,' in the fourth line of the last-mentioned resolution, the word 'legislative' be inserted."

Whereupon the question of concurrence was put, the same was carried in the negative.

The original question was then put and carried in the affirmative.

The fourth resolution being read a second time, and the question of concurrence being put thereon, it was moved and seconded, in amendment thereto, that after the word 'province,' at the end of the said resolution, the following be inserted:—

"Fourthly, that the English language be used in all public documents, and in the legislature and courts of law.

"Fifthly, that the seat of government shall be within the present limits of Upper Canada.

"Sixthly, that the constitution of Upper Canada shall remain inviolate, except in as far as any alteration is necessary to carry into effect the foregoing stipulations."

Whereupon the question of concurrence was put, and the same was carried in the negative.

It was then moved and seconded, that after the word 'province' aforesaid, the following be inserted: "That the question of the clergy reserves be finally settled before any reunion of the Provinces of Upper and Lower Canada be carried into effect, either by provisions in the Act of Reunion, or in such other manner as the Imperial Parliament may direct."

The question of concurrence was put on the last-mentioned amendment, and the same was carried in the negative.

The original question was then put, and carried in the affirmative.

The fifth resolution being read a second time, and the question of concurrence put thereon, the same was carried in the affirmative.

On motion made and seconded, it was ordered that the foregoing resolutions be engrossed, and presented to his Excellency the Governor-general.

And

Ordered, that a Committee be appointed to wait upon the Governor-general, to know when his Excellency would be pleased to receive this House with the same.

And

Ordered, that the Hon. Messrs. Sullivan and De Blaquiére, do compose the committee for that purpose.

No. 12.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
31 December 1839.

(No. 24.)

— No. 12. —

COPY of a DESPATCH from the Right Honourable *C. Poulett Thomson*  
to Lord *John Russell*.

My Lord,

Toronto, 31 December 1839.

As I perceive it stated in some of the local papers, that the measure of the union has been carried in this province, by an unusual exertion of influence over the members who voted for it, and as this statement may, perhaps, be repeated in England, I think it my duty to inform your Lordship, that in two of the most important amendments moved in the house, that namely, of Mr. Robinson for negating altogether the union, and that of Mr. Cartwright for negating the union except on certain specified conditions, the minority consisted in the former case of 10, of whom five held places during pleasure; and in the latter of 21, of whom nine held places during pleasure. From this statement, your Lordship will at once perceive the incorrectness of the assertion to which I have alluded.

I have, &c.

(signed) *C. Poulett Thomson*.

No. 13.  
Lord John Russell  
to the Rt. Hon.  
C. P. Thomson,  
4 February 1840.

(No. 69.)

— No. 13. —

COPY of a DESPATCH from Lord *John Russell* to the Right Honourable  
*C. Poulett Thomson*.

Sir,

Downing-street, 4 February 1840.

I HAVE received your despatch, No. 24, of the 31st December, explaining the composition of the majority and minority on the two most important amendments moved in the House of Assembly, on the discussion of the reunion of the provinces; and I have to return you my thanks for having thus furnished me with the means of disproving any assertion which may be made, that the measure has been carried by an unusual exercise of the influence of Government over the members who voted in favour of it.

I have, &c.

(signed) *J. Russell*.

No. 14.  
Rt. hon. C. Poulett  
Thomson, to Lord  
John Russell,  
24 December 1839.

— No. 14. —

EXTRACTS of a DESPATCH from the Right Hon. *C. Poulett Thomson*, to Lord  
*John Russell*, dated Toronto, 24 December 1839.

I HAVE already transmitted to your Lordship addresses from the Special Council of Lower Canada, from the Legislative Council and from the House of Assembly of Upper Canada, assenting to the reunion of the two provinces; agreeing upon certain terms upon which the respective interests of each should be determined, and approving of the principles upon which it has been proposed by Her Majesty's Government that the measure should be founded. Subject to these terms, and in accordance with these principles, the arrangement of the details of the measure is submitted, with confidence, by these different bodies (the only authorities to which a direct appeal can be made in these provinces) to Her Majesty's advisers, and to the wisdom and justice of the Imperial Legislature.

It will be my duty to offer different suggestions for the details of the proposed measure, founded on the best judgment I have been able to form of what is calculated to make the Act of Reunion generally acceptable to the people of these provinces. The provisions which I shall submit, are the result of inquiries in all quarters, of a careful examination of the institutions, and of the state of society



society in each province, and of consultation with persons best informed and of most influence within them. I shall embody them in the heads of a Bill, accompanied with explanatory remarks, which I hope to be able to transmit at an early period. The absence of some returns, as well as of some information which I expect from the Chief Justice of Lower Canada, to whom I am greatly indebted for assistance, prevents the immediate completion of these documents.

I shall, however, by this opportunity, point out the principal suggestions at variance with the provisions of the Bill introduced into the House of Commons last Session, which I shall recommend for adoption.

I have already informed the House of Assembly, when, in reply to their Address, I transmitted a copy of the Bill, that it was my intention to suggest alterations of this description; and I have, besides, communicated most fully with members of both branches of the Legislature upon them.

As the terms of reunion affecting the two provinces in their relation to each other and to the crown, have been agreed to, it is unnecessary for me now to refer to them. The share of representation to be enjoyed by each province in the first instance, and the charge of the debt on the united revenue, are conditions disposed of; and the manner of settling the Civil List, the grant of which has been agreed to, can best be explained hereafter.

I come now to the chief alterations I shall have to suggest.

1st. It was proposed that the union should take place in 1842. I consider it indispensable that the union should be left to be declared by the Governor-general acting under instructions from Her Majesty's Government. In this I am happy to be borne out by the opinion of Sir John Colborne.

No. 14  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
24 December 1839.

If the country continues undisturbed, as I have every reason to believe that it will, I feel confident that the union may be effected with ease and safety, as soon after the passing of the Act of Parliament as the necessary arrangements will admit of; and whether I look to this or the other province, I attach the utmost importance to its being completed as early as possible. The House of Assembly of this province expires at the end of this session, and it is most desirable that the new elections should be for the United Parliament, and not for a single session of an Upper Canada legislature. The state of the finances here renders the early adoption of some measure indispensable; and if the union be decided by Parliament, it would be idle to attempt any having reference to the present condition of the revenue and resources of this province alone. In Lower Canada, I need not say, that unless under some very extraordinary circumstances indeed, the sooner a constitutional form of government can be restored with safety the better. Still, to be prepared for every contingency, it would, in my opinion, be unwise for Parliament to fix the exact date. By leaving it to the Governor-general to declare the period, all unnecessary delay may be avoided, and yet security be taken against any unexpected occurrence.

2d. It was at first proposed that the Legislative Council should be named by the Crown for a period of eight years, and the selection of members be subject to certain qualifications. Amongst the variety of persons of all political opinions whom I have consulted in both the Canadas, I have not met with one who does not consider this plan as objectionable; and I have not, therefore, hesitated to pledge myself that it shall be abandoned. There may be some persons who adhere to the opinion that the Council should be elective. On that, however, Parliament has placed its veto; and the choice, therefore, remains between some such plan as that above alluded to, and the mode established by the Constitution of 1791. Between them, I have never met with an individual who hesitated in giving the preference to the last, and, in my opinion, most justly. The qualifications would in practice be entirely powerless as a check upon the Government, if it were disposed to abuse the right of nomination, whilst the state of dependency in which members of the Council would be placed by the sort of tenure proposed, would destroy the weight and influence they might otherwise enjoy, those very qualities, which it is above all things desirable, if a Legislative Council is to exist at all, that they should possess. Neither do I think that there is any ground whatever for a change in the Constitution in this respect.

Date of commence-  
ment of Union.

Legislative  
Council.

Tenure and quali-  
fication of Coun-  
cillors.

No. 14.

Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
24 December 1839.

Electoral Division.

I propose, therefore, that the Council should be named, as at present, for life, subject to the disqualifications which now exist, and with the addition only of the power of resignation.

3rd. It was proposed to constitute an entirely new Electoral division of the country, for the purpose of Parliamentary representation. I recommend an adherence, so far as is practicable, to the present electoral divisions, and in this, I adopt the principle, and, with few variations, the plan suggested by Sir John Colborne. Both in Upper and Lower Canada, the county divisions are purely Parliamentary, and differ altogether from the divisions for municipal, ecclesiastical, or judicial purposes; they are of recent formation, and in this province, subject to be varied as population increases. There does not, therefore, exist any strong argument against an entirely new division, founded either on the antiquity of the present system, or its hold on the habits of the people. Still, there is always inconvenience in breaking up established divisions, and unless great countervailing advantage can be shown to result from it, it should be avoided. This is certainly not the case here. To attempt to measure out representation in proportion to population, is impossible. Your very premises forbid it, inasmuch as you set out upon the principle of giving an equal number of representatives to 650,000 people, and to 400,000. An attempt to adjust the proportions to a mixed calculation of population and area would not be more practicable. In Lower Canada, the northern limits of some of the counties are quite indefinite; nor, indeed, has this system been attempted, even in this province, where representation has an extraordinary degree of elasticity. I find, for instance, one county (Halton), containing 35,000 inhabitants, and 1,622 miles square, returning two members, whilst another (Prescott), containing 5,400 souls, and only 442 miles square, returns two members likewise. It would be very unwise, then, to introduce a vast change, in order to carry out a novel and impracticable principle, and that change too, one which could not be permanent: for it must be borne in mind, that whatever plan you lay down now, must be subject to change hereafter, and that, probably, within a very short period. In this country, where, in the course of a few years, entirely new districts come to be settled, and even in such as have been already partially settled, the greatest possible variation in the amount of population occurs in a few years, a new arrangement of the representation is necessarily of frequent occurrence, and can be best settled by the people themselves, as the necessity arises. Experience in both provinces proves the truth of this, as within a very short period the number of representatives, as well as of places returning Members, have been greatly varied.

Adherence to ex-  
isting Territorial  
Divisions.

I propose, then, and that with the concurrence of all the best authorities upon the subject, to adhere as closely as possible, for electoral purposes, to the territorial divisions which exist both in Upper and Lower Canada, only reducing the number of representatives returned from two, as they are mostly at present, to one. In this province it will be necessary to divide one or two counties only; and in Lower Canada, where the division was made in 1829, upon the most partial and capricious grounds, to reunite three or four. Thus little change will take place in the territorial divisions, and no fresh survey or calculation of area and population will be necessary. The number of representatives will be diminished; but this is not only necessary, but will prove highly advantageous, and its propriety is urged by all whose opinion is of most value. In a country like this, where there are few, if any, persons of independent fortune,—where almost every man is occupied upon pursuits which demand his whole time and attention,—where to be absent from home is attended, not only with expense which can be ill afforded, but with a sacrifice of interest which few will submit to—a numerous representation is a most serious evil. There is great difficulty in finding fit representatives. They must be paid, which entails heavy expense on the district which sends them; and even with payment, many of those who would be best qualified to serve will not submit to the loss of time and neglect of their private affairs. The payment, however, may enable others, who do not present the same guarantee of industry, property, and intelligence, to obtain seats, and thus an extended number only tends to a worse representation. Under the system which I propose, it will be found that all these evils will be obviated. The necessity for a change in the territorial divisions will be taken away, the numbers will be reduced, and there will still remain a very fair representation, not less so than exist



exists at present, of all the different parts of the country. This will be amply shown in the returns with which I shall accompany the plan, which, I am happy to add, is supported by the best authorities, in both provinces, whom I could consult. If there be any change necessary hereafter, it will be in the power of the United Legislature to effect it, and the remedy can easily and speedily be applied.

4th. I recommend an entire change in the proposed organization of municipal bodies. The establishment of municipal government is no less required with reference to the union itself, and to the other provisions of the Bill, than it is demanded for the advantage of the people. Upper Canada has at present municipal institutions, though of a limited character; and many of the necessary expenses of the country are borne by local taxation, though that taxation is limited by the Assembly, and not within the discretion of the locality which pays it. Lower Canada has none, and there the same expenses are defrayed out of the general revenue of the province. It is indispensable, therefore, that means should be provided by which, contemporaneously with the union, these charges may be locally defrayed in Lower Canada.

One of the most important provisions in the plan proposed last session, one on which the Earl of Durham has justly laid the greatest stress, and of which I find the strongest approbation expressed in the Canadas, is that which restricts the initiative of money votes in the House of Assembly to the Government, and which is calculated to put an end to the disgraceful system of local jobbing for Parliamentary grants, which has prevailed in both provinces. But if this provision be adhered to,—and without it I should think the Bill of little comparative value,—it is absolutely necessary to provide machinery by which local taxation can be raised for local purposes. Thus the establishment of municipal institutions becomes a necessary part of the Union Bill; and I find that it is earnestly desired by the people of this country, as a most important improvement of their present system, and as likely to conduce, in the highest degree, to their welfare and prosperity. The Report with which I shall furnish your Lordship, upon the state of Roads, will afford ample testimony on this subject.

Upper Canada is divided into “districts” for all judicial, police, and magisterial purposes; and provision is made by law for the establishment of new “districts” as population increases, and the necessary appendages of court-house, gaols, &c. are provided. These districts are subdivided into townships, which have already a municipal government. These townships elect officers annually, who perform certain duties connected with the roads, the collection of the local taxation imposed by the Legislature, and other functions. Owing, however, to the too great subdivision, and to the absence of any power of taxation, except to a most limited extent, but little advantage is derived from them.

In Lower Canada no municipal institutions exist, although they have been loudly called for in the eastern townships, and are not undesired by the French Canadian population. Divisions, however, exist there in the form of townships in the new English settlements, and the parishes in the French.

I propose to give to each district in Upper Canada a municipal body, composed of members chosen by each township; and in the Lower Province to erect districts for the same purpose, by the union of counties where necessary, composed in the like manner of members chosen by the townships or parishes. By this simple arrangement, which requires no new machinery, and involves no change in the divisions already existing in the Upper Province, or even in the Lower, none beyond the union of divisions already recognized, for the purpose of forming a new district, a system of municipal government will be established altogether adequate to the object sought, and free from all the objections to which the plan of last session was justly exposed. At the same time, by the establishment of a lieutenant in each of these districts, to be named by the Crown, one of the evils most felt in this extensive country, namely, the absence of any recognized authority with whom communication may be had by the Government in different parts of the province, will be provided against. Your Lordship will receive with the heads of the Bill which I shall have to transmit the details of this plan, which are extremely simple, as well as a full statement of the grounds upon which it is based.

These are the principal suggestions, which it is my duty to make, for the provisions of the Bill which will be introduced into Parliament, and which I earnestly

No. 14.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
24 December 1839.

Municipal Go-  
vernment.

Nature of sug-  
gested alterations.

No. 14.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
24 December 1839.

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earnestly hope may be adopted. When I transmit the heads which I have prepared, your Lordship will find many recommendations of less importance which I have inserted, and which will then be fully explained; but I have been anxious to submit, with the least possible delay, those more essential changes in the details of the measure as proposed last session, which the information I have acquired on the spot, and the opportunities I have had of consulting with those best qualified to advise, enable me to recommend, as calculated to produce the best results in the two provinces. They are founded upon the principle of effecting no change, except when, for the object sought, it is absolutely necessary; and where it is, of introducing that change with as little interference with existing institutions and habits as possible. Keeping in view the principles laid down by Her Majesty's Government, and accepted by all the legislative bodies in these provinces, I have sought to give effect to them in the way which will produce the least disturbance; and I am satisfied that, effected in this manner, they will prove far more satisfactory to the people generally, than any more extensive alterations.

By the adoption of the measure in this form, those evils which have resulted from the separation of the two provinces, whose interests are so blended, and whose position renders each so dependent on the other, will be removed; they will enjoy one Legislature and one Government, but it will be left to the United Legislature to introduce gradually such other changes in the system now existing in each province as may appear desirable.

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— No. 15. —

No. 15.  
Rt. hon. C. Poulett  
Thomson to Lord  
John Russell,  
22 January 1840.

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EXTRACTS of a DESPATCH from the Right Honourable *C. Poulett Thomson* to Lord *John Russell*; dated Toronto, 22 January 1840.

It now remains for me in this despatch to advert to the principal heads of the Bill of which I recommend the adoption. These I shall class as follows:

Declaration of  
Union.

1. Declaration of union to be made by the Governor-general.

On this point I have so fully stated my opinion in my despatch of the 24th December, that I need not refer to it.

Legislative  
Council.

2. Establishment of Legislative Council.

For the reasons which I have also before stated to your Lordship, I recommend an adherence to the constitution of 1791. The only alterations I suggest are, that members should have the power of resignation, which did not before exist; and that any absence from attendance extended over a period of more than three years, should give the Governor the power of removal. I consider this latter provision of importance, because one of the chief difficulties with which we have had to contend in this body, has been the neglect of members to attend. The distinction of being a member of the Council is sought for and prized; but experience has shown, that gentlemen having acquired it, are very much inclined to disregard the duties belonging to the office; and, in order to obtain a proper attendance, it has accordingly been necessary to increase the number of the Council to an inconvenient extent. Some remedy, therefore, seems to me indispensable, and I know of none less liable to abuse than this. I do not propose to attach a qualification to the Council. A pecuniary qualification, it is evident, would be ineffectual; since being required but once, it would be open to easy evasion, and certainly is not of such importance as to make it desirable to control the prerogative of the Crown.

Assembly.

3. The Assembly.

The Assembly will consist of 76 members, 38 from each of the provinces; and I transmit a statistical table of the present state of the representation of each in their separate Assemblies, and of the population and area of each of the counties now, or heretofore, sending members to Parliament. Captain Pringle will be prepared to furnish your Lordship with the most ample information upon the distribution of the proposed representation; and I am happy to think that so little change in the territorial divisions of either province will produce



produce a result so generally just, and so effective to the end sought. The only observation to which the plan proposed by me may, I conceive, be open, is, that single representation is in every instance adopted; but without adverting to general argument, upon which I should be prepared to consider this a preferable mode, I will remark, that it is undoubtedly that which is preferred here. Already Upper Canada has several ridings and counties, each returning one member; and I have found that, when additional representatives became the right of any county, on account of its increasing population, such division has been always preferred in place of adopting the other course of giving an additional member to the whole county. Nor would any other course be practicable, keeping in view the two essential conditions of the proposed representative system, namely, an adherence, as far as possible, to existing territorial divisions, and the avoidance of an inconveniently large number of members. Of this latter point I have already explained the importance, and I cannot too strongly urge it as conducive to the well-working of the representative system in these provinces.

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The qualification for members is most desirable. I propose that it should be fixed at 500*l.*; and low as this sum may seem, it will, I am satisfied, be found sufficient.

Qualification of  
Member of As-  
sembly.

I do not propose, in the present Bill, to retain that part of the measure of last year, which contemplated the annexation of Gaspé to New Brunswick. Having endeavoured to ascertain the feelings of the people of Gaspé on this point, I have found them extremely averse to being separated from Lower Canada. Their social and commercial relations are entirely with the latter province, and access to Quebec is in the summer far easier, and in the winter not more difficult, than to Fredericton or St. John's. The petitions which they formerly addressed to the Crown and Parliament for separation from Lower Canada, were the consequence of the measures adopted by the Assembly against Mr. Christie, by which they were virtually disfranchised; but that grievance having now been removed, they are anxious to remain in their present position. I am not aware of any reason on which this should be refused to them.

Gaspé.

#### 4. The language.

I recommend that, in the publication of all records of the Legislature, the English language only should be adopted. Great inconvenience and embarrassment have been experienced in Lower Canada from the necessity of using the two languages; and in the United Legislature there can be no good ground for continuing the practice. The debates, of course, may be conducted either in French or English, according to the discretion of the Speaker. The constitution of Louisiana affords a precedent for this regulation.

Language.

#### 5. Laws of Upper and Lower Canada.

Your Lordship will find some clauses supplying what is required to meet special provisions of the Upper and Lower Canada Statute Books. These have been framed with great attention, and will be necessary.

Laws of the Pro-  
vinces.

#### 6. Municipal Institutions.

I transmit a Report upon the present state of Municipal Institutions in this province, and Captain Pringle will be prepared to furnish your Lordship with the fullest information upon the system, as well as upon that which I propose, and of which the substance is contained in the clauses, given in outline, in the accompanying Bill. It is not proposed to interfere with the present township institutions of Upper Canada: they will continue, unless it be proved by experience, that they are unnecessary, in which case the United Legislature can amend or abolish them. In Lower Canada there are no institutions of this kind, and the proposed arrangement will effect all that is required.

Municipal Institu-  
tions.

The greatest advantage will result from the establishment of a lieutenant in each district, and by his presiding over the Council. In this very extensive country the utmost inconvenience is felt from the absence of any authority to whom the Executive can apply, either for information or assistance; and by the creation of lieutenantcies of this description, this defect will be supplied, whilst the connexion of such an officer with the Council, will secure to the Government a knowledge of its proceedings, and greatly facilitate its action.

Lieutenancy of  
District.

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22 January 1840.

It is quite useless to provide for the establishment of municipal institutions in the towns. In Upper Canada, any town which at all demands such a Government, has already been incorporated by Act of the Legislature, and I propose, with reference to Quebec and Montreal, to confer the necessary powers on them by Ordinance under the authority of the Act 2 Vict. c. . If, hereafter, any other towns should require municipal institutions, they will no doubt be obtained through the Legislature, and it would be wholly unnecessary to provide especially for this in the Union Act. Upon this subject, however, I would beg to refer your Lordship to Captain Pringle, who is intimately acquainted with the whole system and scheme.

Revenue.

7. Revenue, debt, civil list, and appropriation of funds, as provided for in clauses 50 to 57 inclusive, in the Bill of last year.

I do not propose to submit clauses upon these heads, which may be more conveniently framed in England, but I shall proceed to state the principles upon which the settlement of these matters should be effected.

The Public Revenue of both Provinces to form one fund, from a day to be named, say the 1st January of the year succeeding the proclamation of the union. Thus, if the union be proclaimed next autumn, the revenues will be united on the 1st January 1841, the commencement of the financial year in both provinces.

Debt.

The Public Debt of both provinces to be united from the same day. In Upper Canada, the whole debt has been contracted for public works, with the exception of a small sum for war losses, &c., but upon the junction of the revenues of the two provinces, as there would be no separate fund belonging to Upper Canada, whence the interest of this portion could be defrayed, it becomes indispensable, as in the Bill of last year, to place the whole of the Upper Canada debt upon the joint revenue. The greater part of it having been contracted for public works bearing tolls, which will eventually, no doubt, become profitable, and which, as part of the public revenue, either now received or to be received hereafter by this province, will be handed over to the united revenue; this charge cannot be considered very onerous on Lower Canada. As the junction will thus be confined to the public debt of the provinces, there will be no necessity at all for arbitrators to divide public from local.

#### The Civil List :

Civil List.

The Special Council in Lower Canada, and the Legislative Council here, having both addressed Her Majesty, concurring in the propriety of the establishment of a permanent Civil List, and the House of Assembly of this province having concurred in that resolution, subject to the desire that the grant for the governors and judges should be permanent, but that for the other departments, for the life of the Queen and ten years, it remains for Parliament to fix the sum which shall be allotted for each of these purposes; and I presume, when thus fixed, Her Majesty will surrender the Crown revenues, subject to resumption at the expiration of the time accorded by the House of Assembly for the general departments of the Government.

I enclose a statement of the present payments made under each of these heads, in both provinces, as well as of the revenue in both at present under the control of the Crown; to which must be added the Imperial duties under the 14th Geo. 3, which will revert, by the repeal of the Act 1 & 2 Will. 4, as provided in the Bill of last year. This statement will form a guide for the Civil List, permanent and temporary, to be taken in the Union Bill. Some considerable margin, it appears to me, ought, however, to be taken for extraordinary expenses, as I am satisfied that it would not be safe in these colonies to leave the Government dependent on the Assembly altogether for any such charges.

Pensions.

It is most desirable, likewise, that a fund of a moderate amount should be set apart for pensions or retiring allowances at the disposal of the Crown. But whatever be the amount fixed, it is clearly understood here, that the distribution, except so far as relates to the distinction between what is permanent and what is temporary, shall not be defined at all, and that it will be in the power of the Crown to allot the sums amongst the different offices, or to create new ones, as necessity may arise when the union is completed, and the government has been remodelled.

I enclose further a note of a provision to be specially made for a sum due to the



the Ordnance department, under an agreement effected in 1833, out of the proceeds of the military reserve in the neighbourhood of this city.

Power must be given to the Governor to charge the casual and territorial revenues, prior to their cession, with any compensation allowances which may become necessary to officers whose offices may be abolished or united under the Union. It will be necessary also to give a power to charge this fund, before its cession, with any sums to which the faith of the Crown has been previously pledged.

It is to be hoped that this arrangement also will render the appointment of any arbitrators unnecessary; but in this, as in the former case, I must remind your Lordship, that if Her Majesty's Government deem any Commissioners requisite, they must be appointed by the Governor, as the Upper Canada Legislature will probably not meet again.

The expenses attendant on the carrying the Act into execution, the expenses of returning officers, &c., the civil list, and the debt, must be made, as in the Bill of last year, charges in their order on the joint revenues of the United Province; and the residue will then be disposable by the Legislature, according to the form introduced in the former Bill, the initiation of money votes being, of course, expressly reserved to the Crown.

Powers of Governor and Lieutenant-governor :

It will be absolutely necessary for the well-working of the Union, that when first it is proclaimed, a Lieutenant-governor should remain in one of the provinces; but as under the commission all powers of a Lieutenant-governor cease during the presence of the Governor within the province, this must be provided for; accordingly, a clause has been prepared for this purpose.

After it may have become unnecessary to maintain a Lieutenant-governor, however, it is highly necessary that the Governor-in-chief should have the power of constituting one or more deputy governors, who should exercise at distant parts of the province, such powers as he may delegate to them, and clauses for this purpose have likewise been prepared by Mr. Stuart.

I consider this last provision indispensable. Some Government authority, acting under the control and direction of the Governor-in-chief, along a territory nearly 1,000 miles in length, is absolutely required. The expense will not be great, probably 1,000*l.* a year, at the utmost, would suffice for such an officer, and he might not always be necessary; but without the power of constituting one in particular cases, and above all, at the first opening of the new system, I should very much fear the consequences.

I earnestly recommend the adoption of these clauses to your Lordship.

No. 15.  
Rt. hon. C. Poulett Thomson to Lord John Russell,  
22 January 1840.

Arbitrators.

Lieutenant-governor necessary.

CIVIL LIST.

The amount of the Civil List must be calculated on the sums paid in 1839 for the following services :—

Permanent.										£.	s.	d.
Governors	-	-	-	-	-	-	-	-	-	8,000	-	-
Judges' Salaries—Crown Officers, ditto—and Contingent and Miscellaneous												
Expenses of Administration of Justice	-	-	-	-	-	-	-	-	-	36,543	14	3
Pensions to Judges	-	-	-	-	-	-	-	-	-	1,333	6	8
										£45,877	-	11

No. 15.  
Right hon. Pou-  
lett Thomson to  
Lord John Russell,  
22 January 1840.

Not Permanent.										£.	s.	d.
Civil Secretaries and their offices	-	-	-	-	-	-	-	-	-	7,602	19	8
Provincial ditto ditto	-	-	-	-	-	-	-	-	-	3,003	11	-
Receiver-general ditto	-	-	-	-	-	-	-	-	-	2,728	11	-
Inspector-general ditto	-	-	-	-	-	-	-	-	-	1,918	12	5
Executive Council	-	-	-	-	-	-	-	-	-	3,534	13	5
Emigrant agent	-	-	-	-	-	-	-	-	-	677	-	-
Board of works	-	-	-	-	-	-	-	-	-	1,007	-	-
Pensions	-	-	-	-	-	-	-	-	-	5,496	16	1
Rent, repairs, furniture, fuel, &c. for public offices	-	-	-	-	-	-	-	-	-	2,468	13	10
										£. 28,437	17	5

The revenues at the disposal of the Crown in 1838, the last period to which the accounts can be made up, and the receipts under the Act, 14 Geo. 3, which, by the repeal of the 1st and 2d Will. 4, will revert to Her Majesty, were as follows:—

#### LOWER CANADA.

	£.	s.	d.	£.	s.	d.
Casual and territorial revenue	-	-	-	4,964	5	2
Customs under Provisional Act, 43 Geo. 3	-	-	-	6,683	15	11½
Licences on billiard tables	-	-	-	33	15	-
Annual aid, by Act 53 Geo. 3	-	-	-	5,000	-	-
Crown lands and timber licences	-	-	-	8,541	-	-
Payment of B. A. Land Company*	-	-	-	6,000	-	-
Revenue under 14 Geo. 3	-	-	-	22,061	11	4½
				53,284 7 6		

#### UPPER CANADA.

Canada Company's payment	-	-	-	-	20,000	-	-
Fees on commissions	-	-	-	-	53	11	-
Sales of Crown lands	-	-	-	-	1,350	-	-
Patent and survey fees	-	-	-	-	993	10	1
Sales of timber	-	-	-	-	11,565	-	-
Fines	-	-	-	-	268	6	8
Seizures	-	-	-	-	1,479	12	5
Revenues under 14 Geo. 3	-	-	-	-	12,805	-	-
				48,515 - 2			
				£. 101,799 7 8			

The year 1838 was, on account of the disturbances, peculiarly unfavourable to the Crown revenues in both Provinces.

It is of course not contemplated that the offices to be established under the new constitution of the United Provinces, should be identical with those now existing; but as it will evidently be necessary while a saving is made by a consolidation of some, to incur an additional expense by the creation and extension of others, it may be assumed, that the cost of the new establishment will not be less than that of the present.

Nothing has been taken for the clergy of any denomination, because under the Clergy Reserves Bill, passed by the two branches of the Legislature, that charge is placed on the casual and territorial revenue, until the proceeds of Clergy Reserves shall be sufficient to bear it. In the event therefore of an address to the Crown from either House of Parliament against the Clergy Reserves Bill, it would be necessary to make provision in the Union Bill for the support of the clergy.

The debt of Upper Canada is charged entirely on the joint revenues of the United Province, because, although a portion of it may have been contracted for purely local purposes, yet as it was incurred under the authority of the general Legislature, and as there are no local funds whatever on which it could be placed, it is impossible otherwise to provide for it.

Out of the proceeds of the sale of the reserve to the westward of Toronto, 10,000 £. in the whole is to be paid over to the respective officers, under an agreement made in 1833 for the erection of barracks.

\* Not yet paid.



REPORT to His Excellency the Governor-General, on LAND TAX, ROADS, and MUNICIPAL INSTITUTIONS.

Captain J. W. Pringle's Report on Land-tax, Roads, and Municipal Institutions.

Taxes on Land, particularly as regards Wild Lands.

THE Taxes on land are much too low to be of benefit, either from their amount or their effect.

The cultivated land is valued at 1*l.* currency (equal to 16*s.* sterling) per acre, and the wild land (*i. e.* uncleared bush or forest) at 4*s.* per acre, in whatever situation they may be, whether in the vicinity of the city of Toronto, or in the most remote townships.

On this valuation a tax is assessed of one penny per pound. The cultivated land pays, therefore, one penny, and the wild one-fifth of a penny per acre.

A further tax to support lunatics, of one-eighth of a penny per pound has lately been imposed (2 Vic. c. 13), which gives, therefore, an additional one-fortieth of a penny per acre on wild land.

The amount from these taxes is paid into the district treasury, to support all expenses of the administration of justice, prisoners' conveyance and maintenance, wolf bounty, &c.

The settler is further required to give statute labour for the maintenance of the roads, in proportion to the amount of his assessment. If 25*l.*, he is required to work two days, and so on to 500*l.*, 12 days; or he may commute the same by paying 2*s.* 6*d.* per diem.

Every person possessed of a waggon or team, is further required to furnish the same for three days' work on the roads, or to commute at 5*s.* per diem for each.

Since the wild lands that are wholly unsettled, were exempt from this statute labour on the roads, as an equivalent, a tax was imposed (59 Geo. 3, c. 8, s. 3), on them of one-eighth of a penny per acre.

The amount of this latter tax, and of the commutation paid for statute labour is required to be expended on the roads in the townships for which the tax is paid.

Wild lands are thus chargeable with per acre  $\frac{1}{2} + \frac{1}{40} + \frac{1}{8} = \frac{14}{40}$ , or nearly three-eighths of a penny currency per annum.

If these taxes on wild land (6 Geo. 4, c. 7) remain unpaid for three years, the amount is increased a third; after five years, the increase is a half, and at the expiration of eight years, the lands are sold by the sheriff to such person as offers to pay the taxes due, for the smallest portion of the land, and he obtains such portion on his payment of the tax; subject, however, to be reclaimed by the owner within one year, on his paying the taxes, and 20 per cent. on the money advanced by the purchaser, and the sheriff's expenses.

Rather than pay even the above trifling amount of tax, or from being non-resident, and perhaps not even aware that they possessed such lands, proprietors of large tracts have frequently allowed them to be sold for the accumulation of the taxes as above-mentioned, so that lots have been purchased at about 5*d.* per acre.

Persons attended or sent their agents to these sheriff's sales, considering it a good employment of their money, even if the owner redeemed his land. But in few instances has this been done, so that these jobbers, few in number, and acting in collusion, have acquired and hold large tracts of these lands.

The effect of this measure has not been, therefore, what was held out, *viz.* to cause the land to be settled, but quite the contrary.

The emigrant, or small settler, had no opportunity of obtaining land at such sales, or if he had, the terms of redemption would prevent his settling upon it for one year. He must, therefore, either buy land from these jobbers and holders of wild tracts, at such price as they demand, or go off into the back settlements, where Government lands are still to be had at 8*s.* per acre; but there he will be remote from market, schools, &c., and must cut a path from his location to market, or to his neighbours, through the blocks of wild lands, thereby improving these blocks, with which view only the owners keep them, in expectation that when settlements are made round them, they will realize a large price.

It is, principally, however, by purchasing the rights to lots of wild land held by the children of American royalists (termed U. E. rights), that speculators have acquired so much land; such claims for 200 acres have been obtained for 4*l.* or 5*l.*; and if the purchaser had interest with the land department, he could select the best lots.

The difficulties or delays in obtaining titles to land from the surveyor-general's office, is represented also to have worn out the emigrant's patience and purse.

The effect of all this has been to send the great majority of emigrants, at least three-fourths of those who have landed in Canada during the last ten years, to the United States, where they are informed by agents sent to entice them over, that good land is to be obtained, without any difficulty, for one dollar and a half an acre; of course they are not told that the taxes are, perhaps, ten times greater than they are in Canada\*.

The

\* In the United States they have four distinct budgets: *viz.* for the Union, the State, the County, and the Township, but all are collected by the township officer; the amount of the three former in Pennsylvania, are deduced from comparing 13 counties in different parts of that State, average 16*s.* 2*d.* curr. per head on the whole population. The amount paid for the township tax could not be ascertained.—De Tocqueville, "Democracy in America," chap. 13, sec. 5.

In the State of New York the taxes are said to be still greater.

Captain J. W.  
Pringle's Report  
on Land-tax,  
Roads, and Muni-  
cipal Institutions.

The holders of these wild lands cry out for emigration, and that the mother-country should charge herself with the cost, which means, send us people to give us a better price for our land, or to settle round it, and improve its value, or at any rate to supply us with cheap labour.

If measures be adopted to cause the holders of these wild lands to offer them for sale at a reasonable price, and which will, at the same time, give the means to make good roads through the country, emigration would pour in without any assistance from the Government.

The most simple and equitable measure appears to be, to increase the tax upon land, to make it a general and equal tax on all land, whether wild or cultivated, and to expend the amount so raised wholly in the formation of roads through the district from which it is levied.

The principle of taxing land by the extent, the acre, is already established, as has been mentioned by the Act imposing a tax on unoccupied or wild land (59 Geo. 3, c. 8), as some equivalent for such land not furnishing statute labour for the highways.

But this is by no means an equivalent; and taking all the taxes together, it will be seen by the following extract from the report of a gentleman of great experience, that the holder of wild lands pays a mere trifle, as compared to the settler, the latter a poor labourer, the other generally a rich speculator.

"I will now show the difference in the contributions paid by the settler and the non-resident to the public stock.

"The man who settles upon 50 acres of land, which is the usual grant to emigrants (and which indeed is quite sufficient), before he has cut a stick of timber, before his cabin is erected, and before he brings a hoof upon his lot, pays 10*d.* as a district rate in money, and works two days upon the highways; whilst the non-resident pays only 1*s.* 4½*d.* in all for the same quantity. Calculating wages at the lowest sum at which it can be had in the country,

							<i>s.</i>	<i>d.</i>
Two days will be equal to	-	-	-	-	-	-	7	6
Cash for district rate	-	-	-	-	-	-	-	10
Amount paid by emigrant	-	-	-	-	-	-	8	4
The non-resident pays only	-	-	-	-	-	-	1	4½
Difference	-	-	-	-	-	-	6	11½

"So that the settler, whose every blow enriches his neighbour, and whilst he makes his 50 acres contribute toward the trade and commerce of the country, actually pays more than five times the sum towards the public benefit that the non-resident does.

"But we shall see how the case stands, after the emigrant shall have been 10 or 12 years on his land, supposing him to have been possessed of a little capital, industry, and frugality.

							£.	£.	<i>s.</i>	<i>d.</i>
Thirty acres improved	-	-	-	-	-	30	-	-	-	2 6
Twenty acres unimproved	-	-	-	-	-	4	-	-	-	4
One pair of oxen	-	-	-	-	-	8	-	-	-	8
One horse	-	-	-	-	-	8	-	-	-	8
Five cows	-	-	-	-	-	15	-	-	-	1 3
Six young cattle	-	-	-	-	-	6	-	-	-	6
Stove	-	-	-	-	-	5	-	-	-	5
										- 6 4
Five days statute labour 3 <i>s.</i> 9 <i>d.</i>	-	-	-	-	-	-	-	-	-	18 9
										1 5 1
The non-resident proprietor still pays only	-	-	-	-	-	-	-	-	-	1 4½
							£.	1	3	8½

"Thus, the man, whilst he doubles the value of the adjoining wild lot, pays nearly 18 times as much towards the public service as its owner. Is there any reason for this? On the contrary, is there the least show of reason why the speculator should not at least contribute equally with the other?"

The inquiries I have made lead me to the conclusion that to effect the objects proposed, namely, to cause either sale or settlement on the wild lands, and to be of benefit in the formation of roads, the tax should be at the lowest 3*d.* currency, or nearly 2½*d.* sterling per acre.

Such a tax would not be sufficient to cause the sale of the blocks of wild lands near towns; for instance, within seven or eight miles of Toronto, which must be worth 20*l.* or 25*l.* per acre; but when the municipal districts are established, such lands will of course be subject to a further tax proportional to their real value in the market.

It has been shown that the Act for the sale of land for arrears of taxes has worked ill; and it appears that a measure, such as the following, would be better adapted to the circumstances of the country.

In



In order to make as little change as possible, still keeping to the same period of eight years; but at the end of four years, to forfeit one-half of the land, and at the expiration of eight years, to forfeit also the other half.

Since the object of the Government must be to encourage the settlement of the colony, the price of Government lands should be made very moderate, little more than sufficient to pay the cost of survey, plans, and the expenses of the land department.

It is considered that a dollar, namely, 5 s. currency, or 4 s. sterling, would be enough for this purpose\*.

Since many of the holders of wild blocks would not pay the tax of 3 d. per acre, they would be obliged to offer their lands for nearly the same amount as that fixed on by the Government.

The emigrant—the pauper from England, is seldom satisfied now with an allotment of less than 200 acres, in order, he says, that he may provide for his family, which of course has the effect of keeping settlements apart from each other; the tax of 3 d. per acre would make him satisfied with such quantity as he can usefully employ, which appears to be 50 acres†.

The complaints of delays and favouritism at the Surveyor-general's office have been alluded to. In addition to this, emigrants were obliged to come to Toronto to obtain their titles. In order to remedy this, agents have lately been appointed for districts (7 Will. 4, c. 118), for the disposal of the public lands. They are required by section 15, "to have plans to enable them to give full and requisite information to purchasers."

This is, no doubt, a step to facilitate emigrants obtaining lots, without the necessity of travelling to Toronto, but it is not enough. The clerk in each township should have plans of all Government lots within the township, and be authorized to give the purchaser immediate possession, on his paying the price.

If such a system as the above were adopted, few emigrants would pass over to the United States.

The money to be expended on roads would give them ample employment on their first arrival, and enable them soon to save sufficient to purchase 50 acres.

The common wages in Upper Canada are three-quarters dollar, or 3 s. sterling per diem, and in harvest-time one dollar per diem; a man can board himself for two dollars a week, getting three full meals daily.

If hired by the month, his wages are 10 to 12 dollars a month, and his living.

The Assessment Returns from the several districts in Upper Canada, give the amount of cultivated land at nearly one and a half million acres, and five million acres wild lands; whilst the quantity that has been surveyed amounts to above twenty million acres, and three-fourths of that has been granted, and the great part is also located. But persons do not take out their patents in order to avoid payment of taxes.

It must be evident, that in order to make the tax on wild land effect the great object proposed, no evasion must be admitted; but, that every holder or claimant of landed property must be required to register the amount of the same, and to pay the Acreage Tax thereon.

The amount of this tax, at 3 d. per acre, would, in Upper Canada alone, be nearly 100,000 l. currency per annum, or 6,000 l. to 7,000 l. for each district, to be laid out yearly on the roads.

If the districts be taken as the municipal divisions, the Council will have power of further assessment on property, according to its value, for objects of public improvement.

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\* The present price of Government land is 8 s. per acre, but the lot must be set up to auction, and is only sold at that price if no advance be made. This system enables a person to avail himself of the labour and judgment of another who has visited the spot, and to deprive him of it.

The price is now paid by instalments; if reduced to 5 s., this would not be necessary, particularly as the object is to prevent the emigrant taking more land than he can usefully cultivate.

Five shillings per acre, and 3 d. tax annually, is nearly the same as 8 s. and 3-8ths of a penny tax, which is now paid, if calculated at six per cent. on the additional purchase money.

† A man can clear five acres per annum, which he immediately sows in wheat, after the timber is burned, and it yields about 16 or 18 bushels per acre; the present price is one dollar a bushel.

After the wheat is harvested, he leaves it in grass, so that at the end of six years he will have 30 acres cleared; 25 in pasture and hay for his cattle, and 20 in wood, which is necessary for his fencing, firing, &c.; and he will then, and not till then, be enabled to break up the five acres first cleared and sow them with grain; and so on at the rate of five acres per year for the next six years, by which time he will have 30 acres of old cleared land to be treated in any course of husbandry he may think advisable.

Captain J. W.  
Pringle's Report  
on Land-tax,  
Roads, and Muni-  
cipal Institutions.

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It is most desirable, therefore, to prevent a misapplication of the funds, which has occurred to a great extent from want of knowledge of the principles of road-making, bridges, &c., that a competent person, who is in some degree acquainted with civil engineering, should be appointed to each district as road-master. Fit persons may be found for about 150*l.* per annum, and an allowance of 5*s.* per day when absent from their home on duty\*. They should be required to pass an examination by the Commissioner of Public Works or Board of Works, or some such competent tribunal, previous to appointment.

For this there is a precedent in Ireland, when the county engineers were established.

In concluding, I may remark, that many gentlemen who have settled in this country, satisfied with their 300 to 600 acres, which they reside upon and improve, will hail a tax, such as is proposed on wild lands, as a boon; and, although such a tax would be strongly opposed in the House of Assembly, in which many of the members are holders of wild land, if the House were to be dissolved on such a question, few members would be returned who did not pledge themselves to support the measure; for the small settlers feel the want of roads, and would be glad to contribute their share towards improving them, when they found that the funds were to be properly disposed of. The present state and management of the roads next claims notice.

### *Roads.*

In regard to the state of the roads, they are generally mere tracks through the woods, the stumps only so far cleared that a waggon may wind between them, impassable after bad weather, chiefly from not being drained, which is at places attempted to be remedied by laying down trees (corduroy), at an expense greater than a drain would cost.

Even on some of the important lines, the roads are impassable a great part of the year, as, for instance, from London to Port Sarnia, which is only used in winter; in summer they are compelled to go round by Detroit.

The blocks of wild land held by absentees, prevent the improvement of these lines of roads by settlement along them; many settlers in the back townships, even after staying some years, and improving their lots, have abandoned them, from want of access to markets, and of schools for their children.

In the province of Lower Canada, the enactments which have been made for the maintenance of the roads, and the manner in which such have been carried into effect, are fully described in the Appendix to the Report of Lord Durham.

In Upper Canada, the only system provided by law for the general maintenance of the roads is the statute labour, to be called out annually in each township under pathmasters, and the trifling tax imposed in commutation of that labour, one-eighth of a penny per acre on wild lands.

This statute labour and tax on wild land is totally inadequate for effecting any good on the roads. The performance of the statute labour by the settlers is besides badly organized, and leads to constant disputes.

The magistrates in quarter sessions are authorized to award a sum of 50*l.* from the district treasury for any one road, if the district be out of debt, which, however, is scarcely ever the case.

By application, however, to the Legislature, grants are made for particular roads and bridges; these grants are placed under the disposal of Commissioners resident in the district, generally named by the member, and of course his own supporters.

These grants have been notoriously misapplied, either from want of knowledge in the persons selected, or from carelessness, or worse; so that not half the benefit has accrued to the public which such amounts ought to have produced.

In the vicinity of Toronto, to the distance of eight or ten miles from the town, the roads have been macadamized, and tolls placed upon them; the amount collected has been, however, inadequate to pay the interest of the money expended.

This failure will prevent any similar measures being adopted on other roads, since it has failed even close to the capital. Good reasons, indeed, have been put forward against the system of toll-bars, even in England, from the very heavy per-centage it absorbs from the amount

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\* Mr. Harrison, Civil Secretary, and also on the Committee of Education, to whom I am indebted for much of the above information, tells me it is in contemplation to appoint inspectors for the district schools. If this be done, that office and surveyor of roads might in many instances be advantageously combined, and a more liberal salary given.



amount collected, even setting aside the annoyance which is always caused by its execution.

Captain J. W. Pringle's Report on Land-tax, Roads, and Municipal Institutions.

The great cost of macadamized roads must retard their adoption for a long time in the Canadas; but in addition to this they are less required there than in Europe. In the winter the sleighing is equally good on the clay road, and in the summer there is so long a period of dry weather, that the clay road answers all ordinary purposes. What is chiefly required is that they should be drained, which is only to be properly effected by placing them under the management of a person of some science.

As an experiment, ten miles of plank road have been recently formed near Toronto, which may answer, since wood is generally to be had for little more than the expense of the labour of cutting. The mode of forming the road is by laying sleepers three feet apart, and covering them by planks three inches thick, on which sand is laid. This, it is estimated, will last seven years, and cost about 700*l.* a mile. The road is more elastic and agreeable than a macadamized road. Such expensive works will be applicable, however, only to the great lines of communication which must be formed by enactments of the Legislature, and placed under a different management from the district roads, as a Commissioner or Board of Public Works; but since the formation of these lines will greatly augment the value of the lands through and near to which they pass, the proprietors of these lands should be taxed for their formation to some extent in proportion to the advantage their properties will respectively derive from their construction.

It is now time to give an account of the Municipal Institutions which already exist, and to point out the manner in which they may be most easily extended and made general throughout the colony.

## MUNICIPAL INSTITUTIONS.

### *Towns.*

NEARLY all the towns in Upper Canada have obtained corporate powers; namely, Toronto, Kingston, Hamilton, Cobourg, Niagara, Prescott, Cornwall, and London. The three former have made considerable improvement in the streets, by the construction of footpaths, generally of plank, making sewers, macadamizing, and draining the streets.

In Toronto, the funds raised for these purposes amounted last year to 3,534*l.*, by an assessment of 1*s.* 1  $\frac{1}{2}$  *d.* in the pound, on a valuation which is considered nearly equal to a rack-rent.

Previous to these works being made in Toronto, after rain, or the breaking up of the frost, the streets were such in such a state, that the inhabitants had sometimes to use bullocks to get a carriage from one street to another. These improvements have been of great utility for the salubrity of the town, and comfort of the inhabitants.

### *Country.*

In the country there are no institutions giving to the inhabitants the power of raising money for local improvements.

The townships, which are generally from seven to ten miles square, and vary in population from 500 to 5,000, elect their township officers: every rate-payer being entitled to vote, it is nearly household suffrage.

The election takes place annually. (33 Geo. 3, c. 2.)

The officers are, a clerk, whose duty is to keep all the accounts and books, and to take a census; two assessors, who rate the property for the taxes imposed by the Legislature; a collector, to collect the amount, and pay it to the clerk, that it may be transmitted to the district treasurer.

At the township meeting, path-masters (overseers of roads) are also appointed; each path-master is assigned a few miles of road, so that there are some 20 or 30 named for one township. Their duty is to call out and superintend the performance of the statute labour.

A number of fence-viewers, not exceeding 18 in number (4 Will. 4, c. 12), are also named, whose duty is to see that the fences are maintained between properties.

The path-master and fence-viewers are not paid. The assessors are paid by a per-centage of four, the collector, of five per cent. on the amount.

The next division above townships is counties; but these are mere electoral districts for the return of representatives to the House of Assembly.

Captain J. W.  
Pringle's Report  
on Land-tax,  
Roads, and Muni-  
cipal Institutions.

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There are 27 counties in Upper Canada, two of which are divided into four ridings each.

Two or more counties are united, to form a district; at the principal town of which are placed the gaol and court-house, and the assizes are held there. There is a sheriff, a treasurer, and a clerk of the peace for each district, and the magistrates have jurisdiction over the district, so that a district resembles a county in England.

There are now 15 districts in this province, three having just been proclaimed. This is provided for by 7 Will. 4, c. 30, according to which the inhabitants of a county, or of adjoining townships, may apply to the Legislature to be formed into a new district, showing inconvenience from the number of inhabitants, or extent of the existing district to which they belong. The Legislature then authorize such district being formed as soon as the gaol and court-house are completed; four more districts have been authorized, and will be proclaimed as soon as the court-house and gaol are finished, which will make the number 19 in Upper Canada.

It has been stated, that all the taxes collected in the townships are remitted to the district treasurer. These monies are disposable by the magistrates to cover all the expenses of the administration of justice, maintenance of prisoners, &c. If there be a surplus after these are defrayed, the magistrates in quarter sessions may award 50 *l.* to be laid out on any one road; but from the building of the gaol, court-house, &c. the districts are generally in debt; so that they are obliged to apply to the Legislature for an additional assessment; and such is, in frequent instances, granted to the amount of 1 *d.* in the pound additional; but this only in two or three cases applies to the one-fifth of 1 *d.* per acre on wild lands, the wild land being exempted from such addition.

The above may be considered a sufficient description of the institutions at present established in Upper Canada, in order to judge what will be best adapted for the formation of municipal districts as contemplated in the Union Bill.

The townships are evidently too small for each singly to form a respectable council, and to carry out improvements on any general scale of utility. They would be like the parishes in England, under which arose so many abuses in the poor laws, &c.

In respect to the counties or districts being taken for the municipal division, the latter have the advantage of being already constituted as the magisterial division, and have a treasurer, clerk of the peace, &c., as has been stated\*.

There are now 15, but will shortly be 19, districts in Upper Canada, the whole population being 400,000, so that the average for each will not be too large for proper municipal government; and if they do increase to an inconvenient size, we have seen that there is provision made for their subdivision.

The extent of the district, varying from 300 to 3,000 square miles, is not too large, in a newly-settled country, where the most important result of the institutions will be, the formation of good lines of roads through it.

In order to form the municipal council, it is proposed that each township shall send representatives according to its population; namely,

700 to 2,000, one.

2,000 to 5,000, two.

5,000, and upwards, three.

If the population of a township be less than 700, it will be annexed, *pro tem.*, to the next smallest contiguous township or townships, so as to make up the number of 700, and to return a joint representative.

When the 19 districts are formed, the number of townships in each will be from 13 to 24; which, according to the above scale, will give from 12 to 30 councillors for each district council.

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\* In the United States, the system varies in different States. In New York, Pennsylvania, Ohio, the inhabitants of each county choose representatives to form a County Assembly, which has the right of taxing the inhabitants, of exercising executive powers, and even of directing, to some extent, the administration of the townships.

In Massachusetts, the business of the county is under the direction of the Governor and his Council. The county has no Representative Assembly; and its expenditure is voted by the Legislature. The townships have, however, the right of taxation; there are 19 principal officers in each, and every inhabitant is constrained, under pain of fine, to undertake the duties; but they are nearly all paid.—De Tocqueville, chap. 5, sec. 3, 6.



In the French settlements in Lower Canada, the divisions are seignories and parishes. The boundaries of both seem to be sufficiently defined and recognised. The latter are generally smaller in extent and population than the townships, but may be adopted for the electoral divisions. Since parts of the seignories are, however, stated not to be included in parishes, power must be given to make new divisions when required, so as to embrace all appropriated lands. In the English settlements the townships are as in Upper Canada.

Captain J. W.  
Pringle's Report  
on Land-tax,  
Roads, and Muni-  
cipal Institutions.

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In Lower Canada the same scale may be taken for the return of councillors, but making it from parish or township, instead of from townships only; in many of the counties there being both parishes and townships.

In Lower Canada there are only five districts to the greater population of 600,000. Such districts would be, therefore, much too large for the purposes of municipal government. The number of counties (40) may be considered as too many, so it will be desirable that power should be given to unite two or more counties to form the municipal districts.

The extent of the powers for taxation to be given to the municipal council, it may be considered advisable to limit. It has been stated, in respect to the taxing of land by the acre, that 3*d.* per acre on all lands will, probably, have the effect desired, to which amount the council might be for the present restricted.

In regard to the tax on property, it has been mentioned that in Toronto above 1*s.* on the pound rental is now collected. The council might be limited, in the first instance, to that amount, or to 1*s.* 6*d.*, calculated on an interest at six per cent. on the real value of the houses, land, &c.

(signed) *J. W. Pringle.*

Toronto, 20 January 1840.

## REPRESENTATION OF UPPER CANADA, AS PER UNION BILL.

	COUNTIES.	Area in Square Miles.	Population.	Present No. of Representatives in House of Assembly.	Proposed No. of Representatives in United House of Assembly.	REMARKS.
	York - - -	1,904	60,056	- - -	- - -	Toronto included.
	— 1st Riding - -	365	24,459	1	1	
	— 2d — - -	469	12,280	1	1	
	— 3d — - -	405	15,246	1	1	
	— 4th — - -	665	8,071	1	1	
	Halton - - -	1,622	35,216	2	1	West Riding, pop. 16,958, sq. miles, 957.
	Lincoln (4 Ridings) -	658	25,544	4	1	East Riding, pop. 18,258, sq. miles 666. Niagara included.
	Middlesex - - -	1,898	23,741	2	1	London included.
5.	Northumberland -	1,721	20,059	2	1	South Riding, pop. 11,846, sq. miles 740.
	Leeds - - -	918	18,383	2	1	North Riding, pop. 8,213, sq. miles 981.
	Durham - - -	1,380	15,696	2	1	Brockville included.
	Wentworth - - -	310	15,106	2	1	Hamilton included.
	Carleton - - -	859	14,886	2	1	
10.	Grenville - - -	678	13,593	2	1	
	Lennox and Addington	722	13,579	2	1	
	Prince Edward -	334	13,212	2	1	
	Oxford - - -	897	12,537	2	1	
	Frontenac - - -	1,363	12,451	2	1	Kingston included.
15.	Glengarry - - -	450	12,094	2	1	
	Hastings - - -	1,314	11,352	2	1	
	Stormont - - -	392	10,839	2	1	Cornwall included.
	Simcoe - - -	3,034	9,829	2	1	
20.	Lanark - - -	964	8,550	2	1	
	Norfolk - - -	600	8,469	2	1	
	Essex - - -	665	8,467	2	1	
	Kent - - -	1,940	8,434	2	1	
	Dundas - - -	377	6,565	2	1	
	Prescott - - -	442	5,431	2	1	
25.	Haldimand - - -	467	4,625	1	1	
	Huron - - -	1,281	2,626	1	1	
27.	Russell - - -	641	2,585	1	1	Huron and Russell are rapidly increasing.
	City of Toronto -	York County	12,571	1	1	
	Town of Kingston -	Frontenac -	3,877	1	1	
	— Hamilton -	Wentworth -	3,188	1	1	
	— Niagara -	Lincoln -	1,873	1	1	
	— Brockville -	Leeds -	1,800	1	1	
	— London -	Middlesex -	1,090	1	1	
	— Cornwall -	Stormont -	1,515	1	1	
				62	39	



## REPRESENTATION OF LOWER CANADA, AS PER UNION BILL.

	COUNTIES.	Frontage on River St. Lawrence.	Area in Square Miles.	Population.	No. of Re- pre- sen- ta- tives.	Proposed Number of Represen- tatives in United House of Assembly.	REMARKS.
		<i>Miles.</i>					
	Saguenay (a) - -	100	72,000	8,385	2	1	
	Montmorency (a) - -	34	7,396	3,743	1	}	1
	Orleans - - - -	-	69	4,349	2		
	Quebec (a) - - -	12	13,200	10,257	2	1	
5.	Portneuf (a) - - -	39	8,640	12,350	2	1	
	Champlain (a) - -	22	783	6,991	2	1	
	St. Maurice (a) - -	27	9,810	12,909	2	1	
	Berthier (a) - - -	28	5,760	20,255	2	1	
	L'Assomption - - -	11	208	12,767	2	}	1
10.	La Chesnaye - - -	10	299	9,461	2		
	Terrebonne - - -	-	3,100	16,623	2	1	
	Two Mountains - -	-	979	20,905	2	1	
	Ottawa (a) - - -	-	34,669	4,786	2	1	Rapidly increasing.
	Vaudreuil - - - -	-	316	13,111	2	1	
15.	Beauharnois - - -	-	710	16,857	2	1	
	L'Acadie - - - -	-	242	11,419	2	}	1
	Laprairie - - - -	-	239	18,497	2		
	Montreal - - - -	-	194	4,486	2	1	Co. of Huntingdon pre- vious to 1829 fully set- tled, and therefore can- not increase.
	Chambly - - - -	-	211	15,483	2	1	
20.	Vercheres - - - -	-	192	12,319	2	1	
	Richelieu - - - -	-	367	16,149	2	1	
	St. Hyacinthe - -	-	477	15,366	2	1	
	Rouville - - - -	-	384	18,115	2	1	
	Missisquoi - - - -	-	363	8,801	2	1	
25.	Stanstead - - - -	-	632	10,306	2	1	
	Shefford - - - -	-	749	5,087	2	1	
	Sherbrooke - - - -	-	2,786	7,104	2	1	
	Drummond - - - -	-	1,674	3,566	1	1	
	Yamaska - - - -	-	283	9,496	2	1	
30.	Nicolet - - - -	-	475	12,504	2	1	
	Lotbiniere - - - -	-	735	9,191	2	1	
	Megantic - - - -	-	1,465	2,283	1	1	Rapidly increasing.
	Dorchester - - - -	-	342	11,928	2	}	1
	Beauce - - - -	-	1,987	11,900	2		
35.	Bellechase - - - -	-	581	13,529	2	1	Co. of Dorchester, pre- vious to 1829.
	L'Islet - - - -	-	3,034	13,518	2	1	
	Kamouraska - - -	-	4,328	14,557	2	1	
	Remouski - - - -	-	8,840	10,061	2	1	
	Gaspé - - - -	-	3,188	5,003	2	1	
40.	Bonaventure - - -	-	4,108	8,109	2	1	
	Montreal, exclusive of County	-	-	27,297	4	1	
	Quebec - - ditto - - -	-	-	25,916	4	1	
	Three Rivers, exclusive of County St. Maurice - - - -	-	-	4,000	2	1	
	William Henry, County Richelieu, and in- cluded in its population - - -	-	-	2,000	1	—	
				—	88	39	

(a) These Counties extend indefinitely North, but, excepting near the river, are almost unfit for settlement.

— No. 16. —

No. 16.  
 Right hon. C. P.  
 Thomson to  
 Lord John Russell,  
 18 January 1840.

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COPY of a DESPATCH from the Right Hon. *C. Poulett Thomson* to Lord  
*John Russell*.

My Lord,

Toronto, 18 January 1840.

I HAVE the honour to transmit an Address from the House of Assembly to Her Majesty, with reference to the projected union of this with the Lower Province.

Some members of the Assembly having been defeated in their attempt to oppose the Union, or to attach to it conditions or principles other than those submitted in my Message, and assented to unconditionally by the great majority of the House, felt desirous of marking their opinion upon certain points for the consideration of Her Majesty's Government, and others entertained no objection to their being thus brought forward in a modified shape, a desire to which, so far as my influence could go, I did not object. I therefore submit them, only remarking, however, that all of these recommendations were raised as conditions, when the resolutions were under discussion, and rejected by considerable majorities. They must, therefore, be considered simply as suggestions.

Your Lordship will find that I recommend the adoption of some of them. The use of the English language only, in the records of the proceedings of the Legislature, seems to me desirable; though further than that I should not be disposed to go. The adoption of a qualification for members when they are paid, as they are in the Assembly of Upper Canada, and will be undoubtedly in the United Legislature, appears to me also desirable. In Upper Canada, the qualification is now merely nominal, however, and therefore in order to carry out the principle recommended by the House of Assembly, it must be extended and improved. The introduction of Municipal Government into the Lower Province, as well as the improvement of it in this, will form, I trust, a main feature of the new measure.

The question of the seat of Government is, of course, one which cannot, and ought not, to be decided in the Bill; it must be left to be regulated by circumstances.

Notwithstanding that Montreal, from its being the termination of the Atlantic navigation, as well as from its central position, has been generally pointed out as the fittest place for the seat of Government, and for the meeting of the Legislature, I should be extremely sorry to have that city, or indeed any particular place, designated as the future capital of the United Province. Circumstances might render it very desirable to remove the meetings of the Legislature from the centre of a French population; and, above all, in a country in which the variations, in both the amount of population and the extent of country peopled, are so great, no man can foresee what district may, in a few years, afford the greatest advantages for the seat of Government. I should therefore be decidedly opposed to any attempt to prescribe this, or to diminish the undoubted prerogative of the Crown to summon the Legislature at any place which in its discretion it may judge best.

I have, &c.  
 (signed) *Poulett Thomson*.

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Encl. in No. 16.

Enclosure in No. 16.

Address to Her Majesty on the subject of the Union of the Provinces of Upper and Lower Canada.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign,

WE, your Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg permission to approach your Majesty with renewed expression of our unwavering attachment to your Majesty's royal person and government.

During the present session of your Provincial Parliament, a subject more important than any that has ever engaged the attention of the representatives of the people, has been brought under their consideration, in pursuance of the commands of your Majesty, by your Majesty's Governor-General of these provinces,—namely, the legislative reunion of Upper and Lower Canada. In the Message of his Excellency to the two branches of the Legislature, they are informed, that “after the most attentive and anxious consideration of the state of these Provinces, and of the difficulties under which they respectively labour, your Majesty's advisers came to the conclusion, that by their reunion alone, could these difficulties



No. 16.  
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Thomson to Lord  
John Russell,  
18 January 1840.

culties be removed: that during the last session of the Imperial Legislature they refrained from pressing immediate legislation, but their hesitation proceeded from no doubt as to the principle of the measure, or its necessity; it arose solely from the desire to ascertain more fully the opinions of the Legislature of Upper Canada, and to collect information from which the details might be rendered more satisfactory to the people of both Provinces."

The House of Assembly deeply feel this additional proof of your Majesty's solicitude for their happiness and prosperity; and it will ever be held by them in grateful remembrance.

In pursuance of the message referred to, the House of Assembly lost no time in taking into consideration the three distinct propositions submitted by your Majesty's Governor-General as the basis on which the reunion might be established, namely,—first, equal representation of each Province in the United Legislature; secondly, the grant of a sufficient Civil List; and thirdly, that the public debt of this Province be charged on the joint revenue of the United Province.

In the discussion of these propositions, it happened that some of the members of this House apprehending the greatest danger to our civil and political institutions, and even to our connexion with the parent State, were opposed to the union on any terms; while of those who supported the measure, there were many who were not wholly free from apprehensions as to the result, and who regarded it a hazardous experiment, unless in addition to the terms submitted by the Governor-General, certain details calculated to secure their institutions and their connection with the Imperial Crown, should accompany their concurrence with the terms proposed. A majority, however, gave their unconditional assent to the propositions above-mentioned, in the fullest confidence that your Majesty, in calling the attention of the Imperial Parliament to the Union, would at the same time recommend the adoption of every necessary safeguard to the maintenance of British interests and British supremacy. It is in this confidence that we now humbly submit to your Majesty's most gracious consideration, the following propositions, which, in the opinion of this House, are calculated to secure the great end, in expectation whereof the assent to the Union was given.

And first, we respectfully entreat your Majesty, that the use of the English language in all judicial and legislative records be forthwith introduced; and that at the end of a space of a given number of years after the Union, all debates in the Legislature shall be in English. And as a matter of justice to your Majesty's subjects in Upper Canada, we earnestly and confidently appeal to your Majesty, to admit their right to have the seat of the Provincial Government established within this Province. It surely cannot be denied to the people of this Colony, that if favour is to be shown to either Upper or Lower Canada, their claim stands pre-eminent; independent of which, the moral and political advantages of the concession are too obvious and undeniable to admit of dispute.

It is with the most sincere satisfaction that this House has received from your Majesty's Representative, the assurance that the Bill introduced into the House of Commons during the last Session of the Imperial Legislature, is not to be "considered as embodying the provisions which may hereafter be adopted by the Imperial Parliament." And, "that it is his Excellency's intention to recommend to Her Majesty's Government, in the new measure that must be introduced, to adhere as much as possible to existing territorial divisions for electoral purposes, and to maintain the principle of the Constitutional Act of 1791, with regard to the tenure of seats in the Legislative Council."

We would further respectfully submit, the necessity of providing that the members of the Legislature should possess a stake in the country equal to that now required by the laws of this Province; that to the call of public duty, that of private interest may be added, as an inducement to wise and careful legislation; and for this purpose, we trust that a sufficient qualification in real estate will be required from any person holding a seat in the Legislature.

We would also respectfully suggest to your Majesty, the paramount subject of emigration from the British Isles, which we consider the best calculated to render the United Province British in fact as well as in name. No time, in our humble opinion, should be lost, in the establishment and vigorous prosecution of a well-organized system of emigration calculated to afford every possible facility to the settlement of that extensive domain, the proceeds of which have been proposed to be surrendered to the control of the Provincial Legislature, upon certain terms and conditions, which in Upper and Lower Canada, is at present in right of the Crown at your Majesty's disposal.

We have no desire to interfere unnecessarily in questions of detail which more immediately affect the sister province; but we cannot omit respectfully soliciting your Majesty's attention to the introduction of a system of Municipal Government into Lower Canada, in order to provide for local expenditure by local taxation, and under local management, on the same principles as have obtained in Upper Canada, where the system established by the Provincial Legislature, after repeated and careful revision, has in its operation proved highly satisfactory to the people.

We would, lastly, desire humbly to assure your Majesty, that to the principles on which our Constitution has been established, to the representative mode of government under a monarchy, and to a permanent connexion with the British Empire, and a dutiful allegiance to our Sovereign, the people of Upper Canada most faithfully and firmly adhere.

It is only from apprehensions of danger on these most important matters, that doubt or difficulty has been felt in assenting to the Union; and we therefore now humbly trust that your Majesty, fully acquainted with our situation, will not confine your Royal consideration to the claims that are referred to in this address, or in any other proceeding of this House,

but

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Thomson to Lord  
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18 January 1840.

but that continuing to us that gracious and generous protection we have hitherto experienced from your Majesty and the British Nation, your Majesty will add such further safe guards as in your wisdom may be thought necessary and desirable to protect your faithful subjects in the peaceful enjoyment of their laws and liberties, and to perpetuate their connexion with your Majesty's Crown and Empire.

Commons House of Assembly,  
13 January 1840.

(signed) *Allan N. Macnab*, Speaker.

Division on passing the Address.

Yeas.

Messrs. Aikman, Attorney-general, Bockus, Boulton, Burritt, Burwell, Caldwell, Detlor, Elliott, Ferrie, Gamble, Gowan, Hotham, Hunter, Jarvis, Lewis, Malloch, McLean, Powell, Richardson, Robinson, Ruttan, Rykert, Shade, Sherwood, Solicitor-general, Thomson, Wickens, 28.

Nays.

Messrs. Chisholm of Glengarry, Cook, Duncombe, Manahan, McCargar, McDonell of Glengarry, McDonell of Stormont, McIntosh, McKay, McMicking, Merritt, Moore, Parke, Shaver, Small, Thorburn, Woodruff, 17.

Address passed by a majority of 11.

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— No. 17. —

No. 17.  
Right hon. C. P.  
Thomson to Lord  
John Russell,  
11 February 1840.

(No. 43.)  
COPY of a DESPATCH from the Right Honourable *C. Poulett Thomson* to  
*Lord John Russell*.

My Lord,

Toronto, 11 February 1840.

YESTERDAY I prorogued the Parliament of Upper Canada with a speech from the Throne, of which I beg to enclose a copy.

I believe that no former Session of the Legislature of this Province has been so much distinguished by the order and regularity with which important business has been transacted, and especially by the absence of asperity in the debates and proceedings of the two Houses. This is so universally admitted, that I felt it incumbent upon me to notice the fact in my Speech from the Throne.

It is likewise with great satisfaction that I have to state, that all the accounts which I receive from different parts of this Province, unite in describing a very great and marked improvement in public feeling. Everything is perfectly tranquil, and there seems to prevail through the country a desire for repose, and a feeling of confidence in the future, which are most gratifying.

In a state of society so excitable as this, it is, of course, impossible to predict with any certainty what turn the public mind may take, or how long the present feeling may last, but I am very confident that an opportunity now presents itself for a settlement, on a sure foundation, of the affairs of this Province, which, if taken advantage of, may be productive of the utmost benefit.

If the Union be established by Parliament, upon the conditions upon which it has been proposed and accepted in both Provinces, means will be afforded for the establishment of a better and more vigorous system of Government, and of a better regulated and infinitely more useful Legislature, the old party distinctions and personal jealousies which have so much contributed to create dissension and dissatisfaction, will be broken up, without any violent change, or an appearance of triumph to either side, and the development of the natural resources of the two Provinces, which has been checked by the events of the last few years, and by the suspension of the Constitution in Lower Canada, may proceed uninterruptedly.

But, above all, it is necessary for the continuance of the state of feeling which I have described in this Province, or to afford a prospect of improvement in future, that the settlement of the Clergy Reserves, which has been agreed to here, should receive the confirmation of Her Majesty, and that the question should never more be returned for discussion in Upper Canada.

I have already, on many occasions, expressed my opinion on this subject; but I am so much impressed with the fatal effect which the renewed agitation  
of



of it would have on the future condition of this Province, that I feel it my duty to take every opportunity of urging its importance on Her Majesty's Government, and on Parliament. This appears to me the more necessary, because I do not believe, from the experience which I have myself had, of discussions of matters relating to the Canadas in England, that this question is felt to be of the immense importance which it really is to the state of society here. The attention of Parliament has been chiefly turned to the condition of Lower Canada, where the subject has never been agitated; and, even as regards this Province, attention has been principally directed to improvements or alterations in the constitution or form of government rather than to this subject, which in reality has been the real cause of the dissatisfaction and excitement which produced the demand for such changes.

It rests, therefore, in my opinion, mainly with the Imperial Parliament, whether this Province shall become contented and prosperous, or whether agitation shall be revived, and all hope of a peaceable and happy settlement of its affairs be indefinitely postponed. If the establishment of the Union, and the settlement of the Clergy Reserves, be adopted in accordance with the wishes of the Legislature here, and if Parliament shall consent to afford some aid in developing the resources, and re-establishing the credit of the Colony, when the Union shall be determined upon, which may be done without any pecuniary sacrifice on the part of the mother country, I am sanguine as to the future condition of the Canadas. But, unhappily, if British politics and party differences should prevent or retard this settlement, I can only look forward to a state of dissatisfaction and disorder far greater than that in which this Province was justly represented to be some months ago, and to consequences most disastrous to Her Majesty's subjects, and fatal to British connexion.

I have, &c.  
(signed) *C. Poulett Thomson.*

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Enclosure in No. 17.

Governor-General's Speech on proroguing the Legislature of Upper Canada.

Honourable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly:

Encl. in No. 17

IN relieving you from further attendance in Parliament, I desire to express my deep sense of the zeal and assiduity which have distinguished your discharge of your duties during this, perhaps the most eventful session of the Upper Canada Legislature; and I am anxious to offer you my own acknowledgments for the ready attention which you have given to the consideration of the important business which it was my duty to bring before you.

Your willing acquiescence in the proposed reunion of this Province with Lower Canada, upon the terms, and according to the principles suggested by me, has afforded me the most lively satisfaction; and I look forward with confidence to the completion of that measure, under the direction of our Gracious Sovereign and of the Imperial Parliament, as the means by which the peace, happiness, and good government of the inhabitants of the Canadas will be permanently secured.

By the Bill which you have passed for the disposal of the Clergy Reserves, you have, so far as your constitutional powers admit, set at rest a question which, for years past, has convulsed society in this Province. In framing that measure you have consulted alike the best interests of religion, and the future peace and welfare of the people, for whose service you are called upon to legislate; and I rely on your efforts proving successful, notwithstanding any attempt which may be made to renew excitement, or to raise opposition to your deliberate and recorded judgment.

The care and attention which you have bestowed on these important subjects, and the calmness and dignity which have marked your deliberations on them, cannot fail to give additional weight to your decisions before that tribunal to which they are now necessarily referred.

I have given my assent, with great satisfaction, to different Bills which you have passed; and I shall transmit, without delay, such others as, from their nature, it is my duty to reserve, in order that Her Majesty's pleasure may be signified thereupon.

Amongst the latter is a Bill for the payment of "Losses by the Rebellion or Invasion." To this Bill I should have been ready to assent; but as I observe that the House of Assembly have addressed Her Majesty, praying that the losses may be defrayed by the Imperial Treasury, I have considered it to be more for the interest of the parties concerned, that the Bill should be reserved, in order that the address may be considered by Her Majesty's Government before the provincial funds are finally charged with this payment.

No. 17.  
Right hon. C. Poulett Thomson to Lord John Russell,  
11 February 1840.

No. 17.

Right hon. C. Pou-  
lett Thomson to  
Lord John Russell,  
11 February 1840.

Gentlemen of the House of Assembly :

I thank you for the readiness with which you have voted the supplies for the public service.

The decision to which you came respecting the future settlement of the civil list, under the proposed union, rendered it impossible for me to submit to you any renewed proposal for the surrender of the revenues of the Crown, in exchange for a provision for the expenses of the civil government of this Province; but in transmitting your resolutions to Her Majesty's Government, I have not failed to draw their attention to this subject.

I lament that the circumstances in which this Province is placed, have necessarily prevented you from adopting measures by which its financial difficulties could be permanently removed; but this can only be effected when the obvious and easy means of augmenting the revenue, through the Customs duties, with little comparative inconvenience to the people, shall be placed within your control. In the meantime, it will be my anxious desire to use the powers with which you have entrusted the Executive Government, to relieve, as far as possible, the most pressing demands upon the public faith; and I shall devote myself to the consideration and recommendation of measures, by which the credit of the Province may be sustained, and its future prospects improved.

Honourable Gentlemen, and Gentlemen :

On your return to your different districts, I earnestly hope that it will be your endeavour to promote that spirit of harmony and conciliation which has so much distinguished your proceedings here. Let past differences be forgotten; let irritating suspicions be removed. I rejoice to find, that already tranquillity and hopeful confidence in the future prevail throughout the Province. Let it be your task to cherish and promote these feelings; it will be mine cordially to co-operate with you; and by administering the Government in obedience to the commands of the Queen, with justice and impartiality to all, to promote Her anxious wish, that Her Canadian subjects, loyal to their Sovereign, and attached to British institutions, may, through the blessing of Divine Providence, become a happy, an united, and a prosperous people.

Toronto, 11 February 1840.

No. 18.

Lord John Russell  
to the Right hon.  
C. Poulett Thom-  
son,  
20 March 1840.

(No. 90.)

— No. 18. —

COPY of a DESPATCH from Lord *John Russell* to the Right Honourable  
*C. Poulett Thomson*.

Sir,

Downing-street, 20 March 1840.

HER Majesty has directed me to express to you Her gracious approbation of the various steps which you have taken, in order to procure the adjustment of the differences which have so long prevailed in Canada.

The promptitude with which you have acted in ascertaining the sentiments of the Special Council,—the decision which you made to resort in person to the Upper Province,—the conciliatory spirit in which you met the Legislature of that Province,—and the zeal for Her Majesty's service and the good of Her people, which you have on all occasions evinced, have been observed by The Queen with the greatest satisfaction, and have inspired Her Majesty with a confident hope, that you may successfully complete the work you have so ably commenced.

I have, &amp;c.

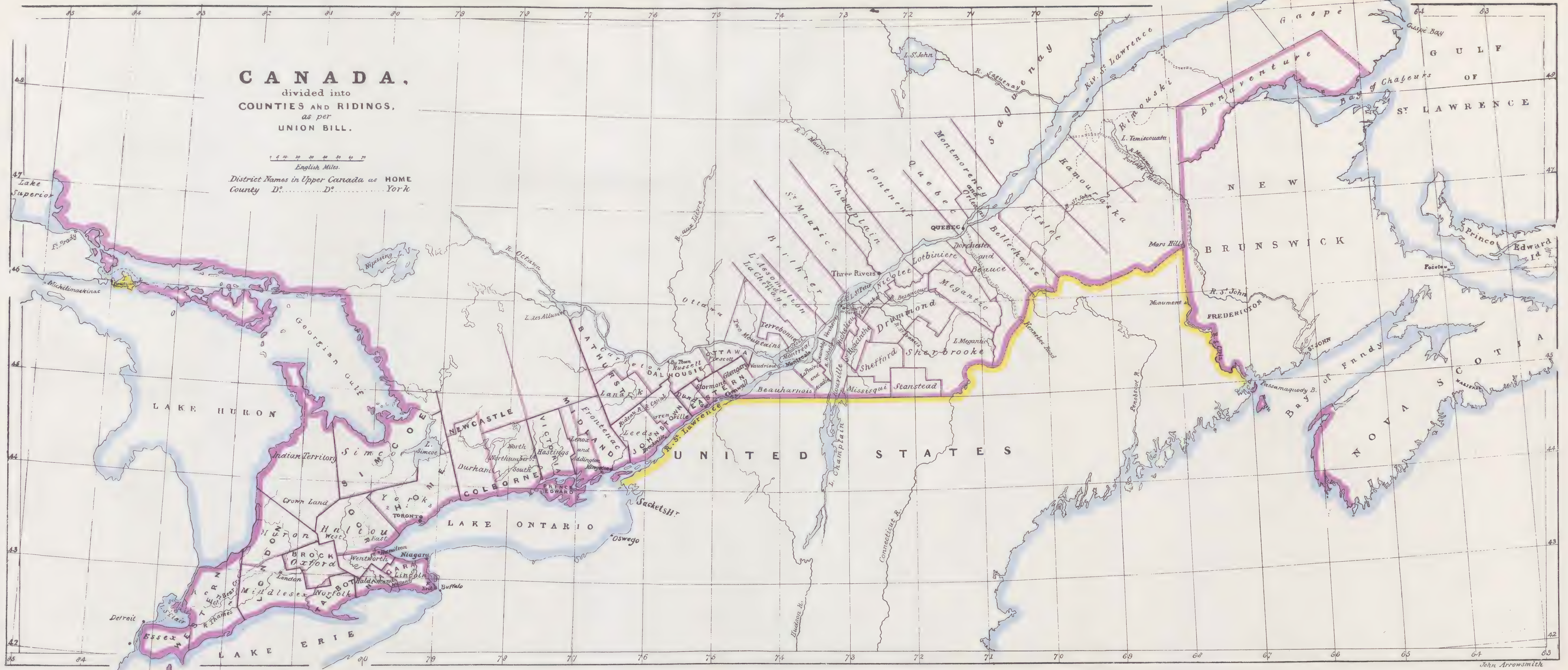
(signed) *J. Russell*.



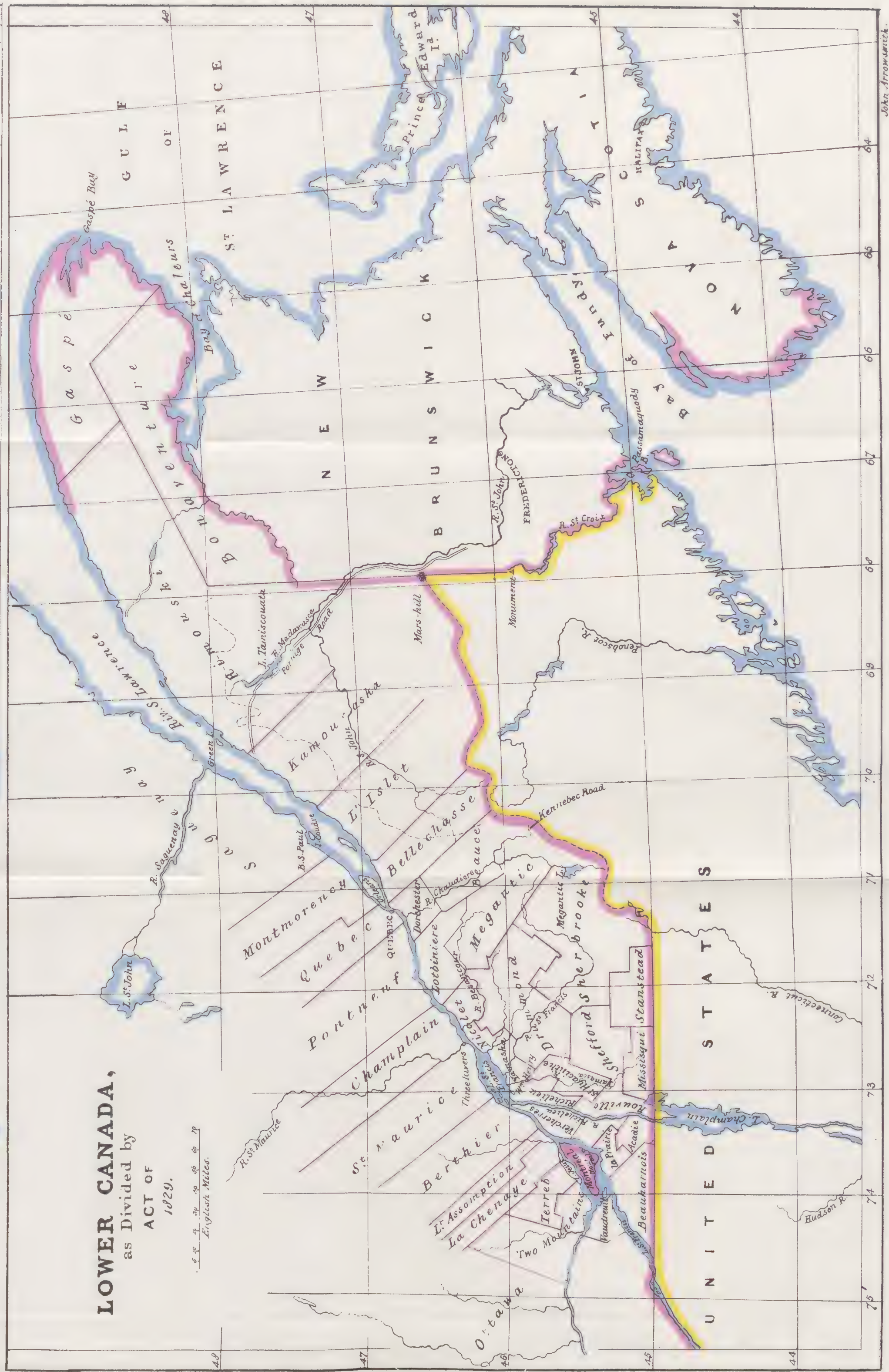
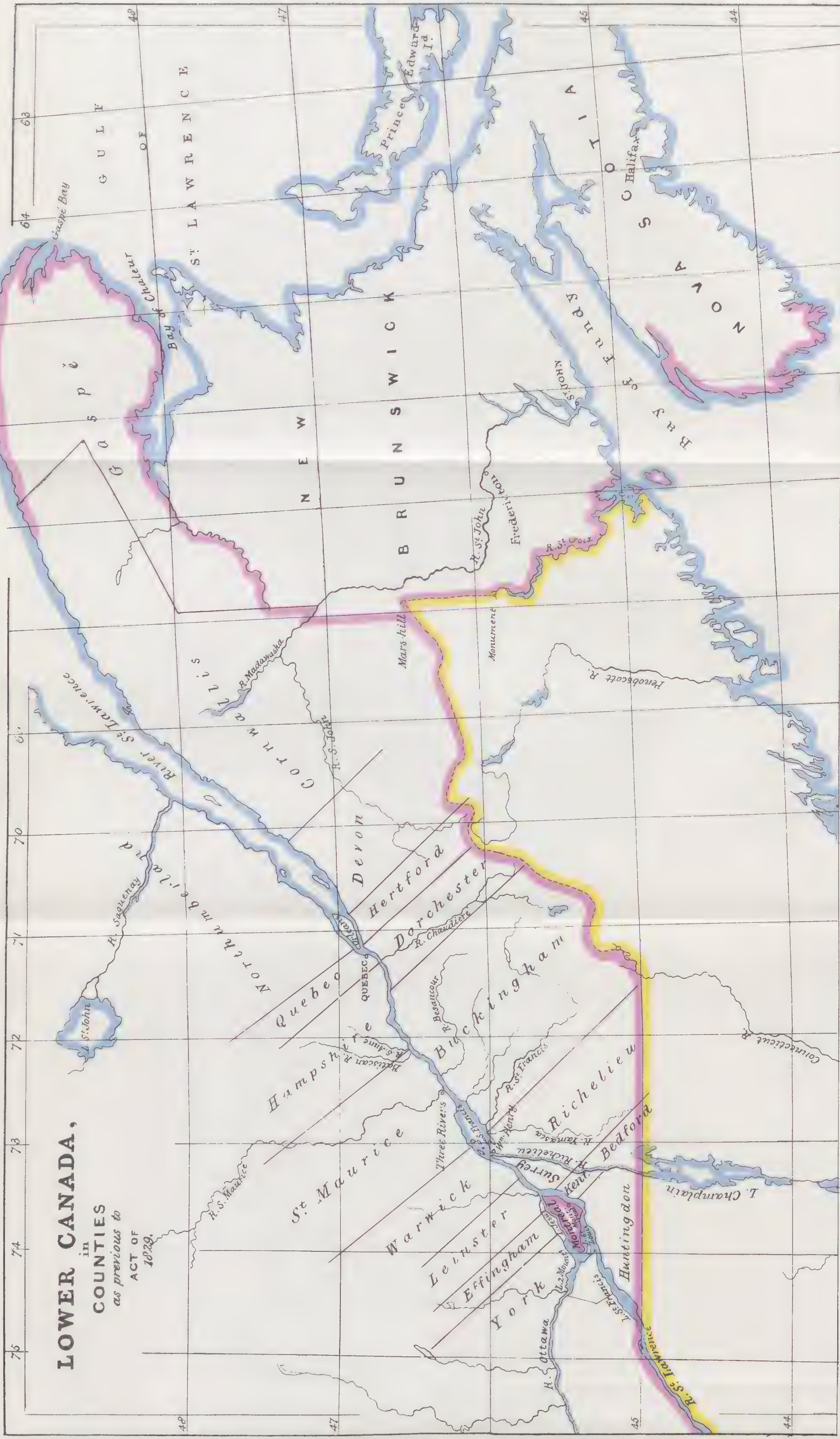
divided into  
**COUNTIES AND RIDINGS,**  
*as per*  
**UNION BILL.**

0 5 10 20 30 40 50 60 70  
English Miles.

*District Names in Upper Canada as* HOME  
*County D<sup>o</sup>.....D<sup>o</sup>.....York*





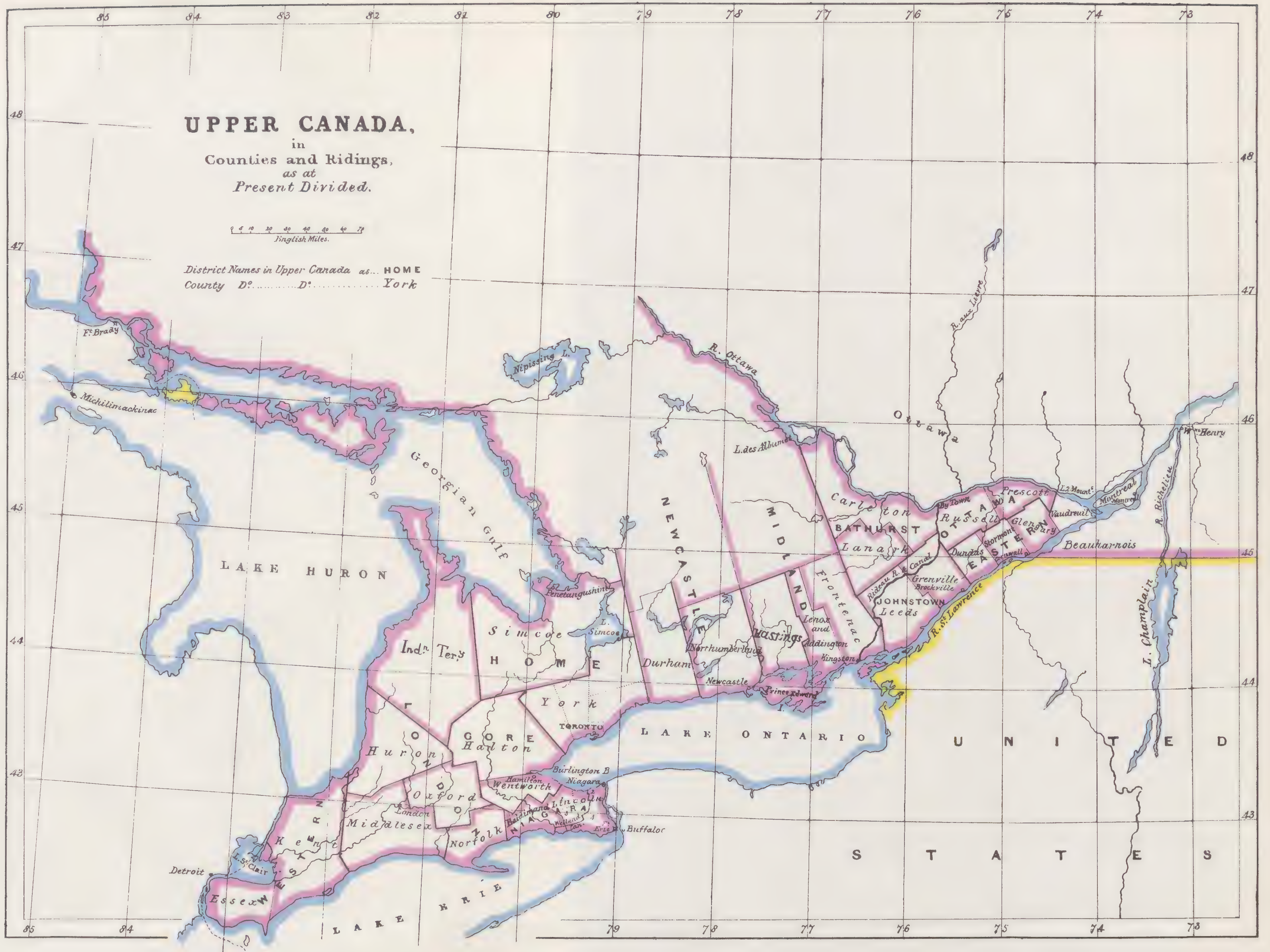




UPPER CANADA,  
in  
Counties and Ridings,  
as at  
Present Divided.

0 5 10 20 30 40 50 60 70  
English Miles.

District Names in Upper Canada as... HOME  
County D<sup>o</sup>.....D<sup>o</sup>.....York



C A N A D A.

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